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A NARRATIVE.

BY

SIR FRANCIS B. HEAD, Bart.

"Quanquam animus meminisse horret, luctuque refugit;
Incipiam."

THIRD EDITION, CONTAINING A SUPPLEMENTAL CHAPTER.

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PREFACE.

As I have reason to believe that the most important of my despatches from Upper Canada were, contrary to usual custom, submitted for the decision of the Cabinet, I am perfectly sensible that the publication of this volume must draw upon me the whole force of the Government.

The despatches it contains were almost, without exception, written either during the day, while I was constantly interrupted, or late at night, when I was tired. Several were actually despatched in the rough draught; and such was the pressure of public business, that I had seldom time to revise them.

The general plan of my communications to the Colonial Office was unequivocally to explain the expected result of my proposed measures, which, having been long ago carried into effect, must now be tested by the triple ordeal of the future, present, and past; and, as it has so happened that this volume has been published with extraordinary celerity (it has been printed in a week), I think it cannot be denied that —as I have no political connexion with any party, as I do not address myself to any party, and as there does not exist in either House of Parliament a single member who can stand up and say that, directly

or indirectly, I have in any way solicited his assistance on this or on any subject,—I can have but little to support me in an unequal contest but the justness of my cause.

I have neither explanations nor professions to offer. Why do I publish these despatches? Am I actuated by public principle or private feeling? What do I expect to gain by the course I am adopting? Will it be of any service to the country in general, or to our North American colonies in particular?

To all of the above questions one answer will suffice. *Reader, peruse the volume, and then judge for yourself.* Its copyright I have presented to my worthy publisher; and having now, as I have long wished to do, submitted to the country the result of my experience in the administration of the government of Upper Canada, I abandon it to find its own level among the mass of Reports and Documents which are already struggling to obtain the consideration of the public.

PREFACE TO THE THIRD EDITION.

My reasons for not having delayed the publication of my "Narrative" until the despatches ordered to be printed by the House of Lords were promulgated.

The accusations against me and against the legislature of Upper Canada, contained in Lord Durham's Report, which, by the advice of Her Majesty's Government, was "presented by her Majesty's command to both Houses of Parliament," were as follows:—

1. That, as Lieutenant-Governor of Upper Canada, I had managed to obtain at the elections a constitutional majority in the House of Assembly, by making deceptive misrepresentations to the people; and that in a number of instances the said elections had been carried "by the unscrupulous exercise of the influence of my Government."

2. That I had formed my Executive Council of persons whom I had "taken from without the pale of official eligibility,"—that this Council had "accepted office almost on the express condition of being mere ciphers;" and that, having been selected under these degrading circumstances, it continued,

under the administration of Sir George Arthur, "to feel that under no conceivable contingency could they expect an Assembly disposed to support them."

3. That the members of the House of Assembly of Upper Canada "had been elected under circumstances such as to render them peculiar objects of suspicion and reproach to a large number of their countrymen;" and that they were accused of having "violated their pledges at the elections."

4. That by the above acts the people of Upper Canada had been exasperated.

On these offensive accusations being laid, by advice of Her Majesty's Government, before both Houses of Parliament, accompanied by four hundred folio pages of additional matter selected by the Government, but which, strange to say, did not contain a single word in defence either of me or of the Executive Council or House of Assembly of Upper Canada, I found myself all of a sudden most ungenerously thrown by a Government I had faithfully served, into a dilemma from which it was utterly impossible for me to extricate myself with impunity: for, if I should vindicate myself, by publishing the despatches which I had refused to divulge to both Houses of the Canadian Legislature, I knew I should instantly be accused of betraying my employers; while, on the other hand, if, to avoid this imputation, I should remain silent, I felt most strongly that the Executive Council of Upper Canada

whose private as well as public characters had been so unjustly assailed—the House of Assembly of Upper Canada, who had during two arduous sessions so nobly supported me, the electors of the province, who in peace as well as in war had so constitutionally flocked around me, and the Legislatures of our North American Colonies, who had so loyally co-operated with Upper Canada in standing against democracy, would indignantly have declared, that, supported as I had been by them all, I was bound to them by honour and by gratitude, not only regardless of every personal sacrifice, to step forward to shield them in their absence from being so unjustly defamed before the Imperial Parliament, but to save them from the ruinous consequences of Lord Durham's Report, by exposing to the country the unintentional misrepresentations which it contained. The dilemma in which Her Majesty's Government placed me was a cruel one; because, without any means of escaping, it forced me to sacrifice either my reputation among diplomatic men by publishing my despatches, or my character among men of the world by ungratefully shrinking from defending those to whom, under Providence, I was indebted for infinitely more than my life.

The Duke of Wellington, totally unsolicited by me, seeing the miserable predicament in which I was placed, magnanimously rose in my defence, and, supported by two late Secretaries of State for the Colonies both of whom declared that I was entitled

to vindication, his Grace called upon Lord Melbourne for the production of the whole of my despatches.

The very point which I myself had refused to accede to the addresses of both Houses of the Canadian Legislature was thus fairly brought before Lord Melbourne by his political antagonist, and the moment had therefore arrived for his Lordship to determine and to declare before the country, whether he would resist or yield to a request, the consequences of which he was fully aware of. His Lordship was pleased deliberately to accede to the Duke of Wellington's motion, and accordingly such of my despatches as were necessary to my vindication were ordered to be printed.

The important point being yielded, publicity being granted, and the immediate elucidation of the real truth being of vital importance not only to my own character, to the character of the authorities of Upper Canada, but to the empire at large, ten days after this permission was granted, I published in a popular form, and with necessary explanations, the case which I had hitherto withheld from the public.

In this publication I did not divulge a single State secret, but by producing less than a sixth of my despatches, I merely exculpated myself from the accusations which had been made against me, by explaining what had been the policy I had endeavoured to pursue, what had been the difficulties which had vexatiously been opposed to me, and how, instead of being supported by my employers, I had

by their repeated attacks been eventually driven from my post.

For reasons which I am unable to explain, an unusual delay took place in the promised production of my despatches, in consequence of which my defence of the policy I had pursued was published before it was officially promulgated by Her Majesty's Government.

I acknowledge with submission the breach of form I have thus committed; at the same time it will, I hope, be also admitted that, leaving my natural eagerness to vindicate myself, and those who had supported me, from the offensive accusations which had been brought against us before both Houses of Parliament, completely out of the question, it was of vital importance that my volume should reach the colonies and appear before the judgment of the British public, as nearly as possible, simultaneously with Lord Durham's unfortunate recommendations: for surely it must be evident that in our colonial policy there exist errors enough without wilfully sowing and giving time for the growth of others, which, by a prompt reply, might at once be eradicated; and this general observation is particularly applicable to Lord Durham's Report, which, without intentional offence to his Lordship, I must say, contains allegations against the Legislature of Upper Canada, and expressions of admiration of the United States, almost sufficient to make our Canadian Militia throw down their arms in despair.

Notwithstanding these reasons, it has, however, been observed by Her Majesty's Government, before Parliament, "that my publication of my despatches is unparalleled, and that long may it remain so." Whether the provocation as well as the treatment I have received from Her Majesty's Government be also "unparalleled" is a question for the public rather than me to determine. I will therefore proceed to notice two other remarks made against me by Her Majesty's Government, viz., that I ought not to have published at all—first, any despatches impugning the political principles of individuals (one of whom principally alluded to is, I presume, Her Majesty's Under Secretary of State for the Colonies); and secondly, any expressions hostile to the institutions of the United States, Her Majesty's Government having determined, although I have published them, officially to withhold all such documents from the public.

Now what a contradiction this is to the course which the Government pursued respecting Lord Durham's allegations against *me!*

These allegations leaked out into the "*Times*" newspaper before they were officially laid before Parliament, or rather before it was even decided that they *should* be laid before Parliament, just as my despatches appeared *after they had been ordered to be printed.* In the former case, however, the greater irregularity was urged by Her Majesty's Government as their excuse, or rather as their reason, for promul-

gating a libel; while, in the lesser case, it is said to be no reason at all for their publishing it. And now, let us examine who are the parties that in one instance Her Majesty's Government join in attacking, and in another instance, exactly similar, protect from defamation.

Why, the individual whom Her Majesty's Government have assisted in assailing before both Houses of Parliament is the man who on the continent of America humbly maintained monarchical principles against democracy; while, on the other hand, the individual whom they *shield* is Her Majesty's Under Secretary for the Colonies, declared, on respectable evidence which it has been offered to produce, to have assisted in our colonies the progress of republican institutions!!

But not only do Her Majesty's Government protect this individual, but they declare their intention to protect democracy itself; and although twenty-two pieces of artillery of the United States were fired during a fortnight upon Upper Canada while I commanded there—although the Americans, after having set a price upon my head, shamefully invaded the province in all directions,—shot down thirty of our brave soldiers,—cruelly murdered and plundered the Queen's subjects,—brutally insulted several ladies on board the British steamer (the *Sir Robert Peel*), which they burnt,—barbarously mutilated the corpses of our officers, one of whom, it is said, they hung up by the

heels as a mark for their rifles.—Although, on relinquishing the government of Upper Canada, I was pursued for upwards of forty miles by these Americans, who hunted me like bloodhounds to murder me, for no other reason than because, as her Britannic Majesty's representative, I had resisted the repeated proclamations by which the American "Generals commanding" had insolently called upon Her Majesty's subjects of Upper Canada to exchange British institutions for democracy.—Notwithstanding all these provocations, and notwithstanding these infamous aggressions have already cost the country nearly two millions of money, I am to be censured by Her Majesty's Government for having, after they had agreed to the publication of my despatches, made the country and the civilized world aware that I had called "shame" upon those institutions of the United States which their citizens had vainly endeavoured, by bayonets and artillery, to force upon the people of Upper Canada, whether they liked them or not.

If Her Majesty's Government are of opinion that the old-fashioned custom, which in British history has ever been maintained, of indignantly resisting insult and aggression, is henceforward to be abolished, why, instead of first inculcating the new doctrine upon an humble individual like myself, did they not venture at once to rebuke the Duke of Wellington when, on the 6th ult., his Grace, in a speech which men of property in the United States will both appreciate and admire, com-

pared the unjustifiable invasion of the Canadas "*to a system of warfare known only among the most lawless of the most barbarous states of the East and of Africa?*"

Do Her Majesty's Ministers conceive that the plain-dealing yeomen, farmers, merchants, and manufacturers of the British empire are to be called upon to pay two millions of money for a secret war with America, which no man is to dare to mention; and that our public officers, smarting under the indignities they have received from the American Republic, are to be publicly censured, unless, with the servility of spaniels, they lick the hand that has been striking them?

Do Her Majesty's Ministers afford this unheard-of protection to *our own* revered institutions? No! Every fault which conflicting Commissioners of Inquiry, one after another, can ingeniously point out in the *Monarchical* institutions of the Canadas have been printed with eager alacrity; every recommendation from friend or foe to subject the Governor, the Executive Council, and the Upper House of the Provincial Legislature to the will of the people, has been listened to "*with the utmost possible respect,*" and published in detail. Lord Durham's censures against my policy; his Lordship's allegations against the Executive Council whom I appointed, against the Legislative Council, and even against the representatives of the people of Upper Canada, by the advice of Her Majesty's Ministers, have been all "laid before

both Houses of Parliament by command of the Queen."

Neither the private nor the public feelings of the supporters of British institutions have been spared; but the moment (availing myself of Lord Melbourne's motion, that a portion of my despatches be printed) I tell the country the real truth—the moment, in defence of our monarchical constitution, I utter a word against those republican institutions of the United States, which have assailed and insulted it, Her Majesty's Government defend democracy, and frown upon me for having disclosed the resistance I offered to its attacks!

Lastly, how could Her Majesty's Government complain before the House of Commons, that *too many* of my despatches had been published, when in the same breath they cheerfully consented to print a *second batch* of them, on Mr. Hume's ridiculous pretence, that their publication was necessary for the purification of *his* character?

If her Majesty's Ministers feel that they have been seriously injured in the opinion of steady men of business by the publication of my despatches, they should blame themselves, not me: for if they themselves had not torn up the solemn treaty of peace which existed between us, I should still have been governed by its terms.

The dilemma in which they involved me, by acknowledging and laying before Parliament, as an official "Report," the pamphlet of an Ex-Governor,

who *before* his resignation had been received had, in a Quebec Proclamation, assailed them and the Imperial Parliament as severely as *after* his resignation had been accepted he assailed in his said London Pamphlet the conduct and by-gone policy of an Ex-Lieutenant-Governor of Upper Canada, "*functus officii*," like himself—the consequent demand in the House of Lords for my despatches—and the exertions which I was forced to make in self-defence, will, I believe, be a warning to British Statesmen :—

1st. Never again to forget their own dignity by refusing to accept the resignation of a public servant, when, by word as well as by deed, he frankly says of their measures (as I did within four months of my arrival at Toronto), "*that he has not an idea in common with them ;*" and that the policy they have desired him to follow "*has a democratic character, to which he cannot conscientiously accord.*"

2ndly. Never again in our colonies, in opposition to the earnest recommendations of the Lieutenant-Governor, to raise up the well-known enemies, and to pull down the time-tried friends of British Institutions.

3rdly. Never again to combine with any one in unjustly dragging before both Houses of Parliament a silent, innocent man, who, in his retirement, was faithfully concealing their policy.

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CHAPTER I.

Preliminary History—The Elevation of Mr. M'Kenzie, and the recall, by the Colonial Office, of His Excellency Major General Sir John Colborne.

Mr. M'Kenzie, who has caused the effusion of so much British blood and money, was, it is believed, an insignificant pedlar-lad, who, about eighteen years ago, having transferred himself to America, under disreputable circumstances, succeeded in becoming the shop or errand-boy of a notorious republican at Toronto.

After living for some years in this description of society, he gradually brought himself into notice by the extraordinary talent he displayed in inventing gross falsehoods, and, as his radical associates acutely perceived that such poisonous misrepresentations flowing through the province would by degrees sicken the loyalty of those who, secluded in the backwoods, were completely dependent for political information on the local press, he was strongly encouraged to throw aside his shopman's apron, and to set up a newspaper.

With this detestable object in view, Mr. M'Kenzie's exertions for many years were really almost superhuman. Every hardship, whether of wood, wind, or

weather, which the settler encountered in his lonely residence in the forest, was, by some falsehood or other, ingeniously shown to proceed indirectly from Downing-street, or directly from the Government House, or Legislative Council, at Toronto. Every magistrate, militia officer, postmaster, or schoolmaster, who in any way misbehaved himself, either in public or private, was declared to be an especial favourite of the Government; artful comparisons were constantly unfairly made between the condition of the old, densely-peopled districts of the United States and the young settlements of Upper Canada, the difference being of course attributed to the withering influence of monarchical institutions.

After these mischievous misrepresentations (which lowered, if it were possible, Mr. M'Kenzie in the estimation of every honest, intelligent man) had sufficiently shaken the loyalty of those who, secluded in moral darkness, had unfortunately listened to his tales, he considered that the time had arrived for getting up some vague petition to the Colonial Secretary for the general correction of "grievances." In order to obtain sufficient signatures for this purpose, it is perfectly notorious, throughout Upper Canada, that the most barefaced and impudent deceptions were practised. In various directions agents were employed who, themselves, affixed the names or marks of all who could be induced to acknowledge they had any one thing to complain of indeed,

several worthy individuals were added to the list, who actually believed they had joined in a loyal address. The names and signatures thus collected in batches, on separate pieces of paper, were then all pasted together, and, with scarcely anything but these credentials in his wallet, and with unprincipled impudence as his companion, this low adventurer (by one of those eccentric chances which occasionally characterise the course of an impostor's life) returned to his mother-country, to introduce himself in Downing-street to her Majesty's Secretary of State for the Colonies, leaving behind him in Upper Canada that kind of character which, with more wit than elegance, has been thus quaintly described by an American writer:—

"He is, without exception, the most notorious liar in all our country. He lies out of every pore in his skin. Whether he be sleeping or waking, on foot or on horseback, talking with his neighbours or writing for a newspaper, a multitudinous swarm of lies, visible, palpable, and tangible, are buzzing and settling about him like flies around a horse in August."

One would have thought that the infamous notoriety of this low-bred, vulgar man would have secured the Governor and Legislature of Upper Canada from his libellous and seditious accusations; but, alas! the very fact of his undertaking a journey of nearly 4000 miles shows pretty clearly that Mr. M'Kenzie

shrewdly suspected that the Colonial Office would not be very inimical to his demands.

The reception which Mr. M'Kenzie met with in Downing-street he has boastingly explained by the following letters, which are only a part of many he has published in Upper Canada, in order triumphantly to demonstrate the accredited importance with which he had been received, notwithstanding the documents, of which he was the advocate, had not passed through the executive government, or before either branch of the Legislature of Upper Canada.

(COPY.) *Colonial Office, July* 26, 1832.

SIR,

Lord Goderich has desired me to acknowledge the receipt of your papers, and I have the honour to inform you that his Lordship regrets he cannot appoint an earlier day than Friday, the 3rd of August. On that day, however, at two o'clock, he will be glad to see you at this office.

I have the honour to be
Your most obedient humble servant,
CHARLES DOUGLAS.

W. L. M'Kenzie, Esquire.
19, Wakefield-street, Brunswick-square.

(COPY OF EXTRACT.)

Downing Street, 8th September, 1832.

SIR,

I am directed by Lord Goderich to acknowledge the receipt of your letters of the 27th August and 5th September

In answer to these communications, I have to inform you that the other addresses, as well as that from the Niagara district, have in the usual manner been laid before his Majesty, and you are at liberty to state this fact to the persons by whom they have been signed, without receiving a separate answer to each.

With respect to the war losses and the state of the representation, although, of course, he can enter into no discussion with any private individual on those subjects, Lord Goderich is willing to receive and to pay such attention as they may seem to require to any further written statements you may think fit to submit to him. If you have anything to offer which can only be verbally communicated, his Lordship will not refuse, on his return to town, to afford you such opportunities of addressing him as his other avocations will allow.

(Signed) HOWICK.

To W. L. M'Kenzie, Esquire.

(COPY.) *Colonial Office, Tuesday 26th.*

SIR,

I am desired by Lord Goderich to propose to you to call here on Saturday next, at two, instead of to-morrow, at half-past twelve, as the House of Lords meet at one o'clock to send up an address to his Majesty.

I am, Sir,
Your humble servant,
B. J. BALFOUR.

To W. L. M'Kenzie, Esquire.
&c. &c.

Colonial Office, November 2, Tuesday.

SIR,

Lord Goderich has desired me to express to you his

regret that the pressure of business should have prevented him seeing you since his return to town. He now begs leave to propose one o'clock on Tuesday next, at this office, for the interview you desire.

I am, Sir,
Your obedient servant,
B. J. Balfour.

W. L. M'Kenzie, Esquire.
&c. &c.

Colonial Office, November 5th.

Lord Goderich presents his compliments to Mr. M'Kenzie. He finds himself obliged to change the proposed hour for interview to-morrow to twelve o'clock instead of one, which he hopes will not be inconvenient to Mr. M'Kenzie.

W. L. M'Kenzie, Esquire.

Colonial Office, November 6th.

Lord Goderich is sorry to be again obliged to put Mr. M'Kenzie off. He has now to propose twelve o'clock on Wednesday, instead of twelve to-morrow.

W. L. M'Kenzie, Esquire.

In this country, people will scarcely comprehend why Mr. M'Kenzie should (writing the words "*Esquire*" and "*your most obedient humble servant*" at full length) have published with so much ostentation copies of the above commonplace communications. In a small community, however, considerable importance is attached to any interview with a minister; and in colonial society this distinction is

not only, by the vulgar, looked upon as an honour, but, by the most sensible and reflecting, it is justly considered as a political advantage which may be productive of very serious results.

The following memorandum, which Mr. M'Kenzie published in Upper Canada, together with the notes which have been just quoted, sufficiently show the mischievous application that may be made of these improper interviews.

(COPY.)

Memorandum.—On Wednesday, the 7th of November, 1832, I had the honour of a very long interview with the Secretary of State; and on the day following the despatch was written, which is an answer, in part, to my representations.

(Signed) W. L. M'KENZIE.

The despatch from the Colonial Minister to His Excellency Sir John Colborne, to which Mr. M'Kenzie here alludes, is one of the most extraordinary public documents ever published in Upper Canada. It begins as follows:

(COPY.) *Downing-street, Nov.* 8, 1832.

SIR,

During several months past, I have been in occasional communication with Mr. William M'Kenzie upon the subject of the grievances said to exist in Upper Canada, and for redress of which various petitions have been addressed

to his Majesty. I propose in this despatch to follow Mr. M'Kenzie through those parts of his statement, respecting the representation of the inhabitants in the House of General Assembly, which appear to me essential to the consideration of the practical questions *he* has undertaken to agitate.

The despatch accordingly obsequiously follows Mr. M'Kenzie through the whole course of his most insulting abuse of the executive, legislative, civil and religious authorities of the colony; and in one instance, merely because Mr. M'Kenzie, an unprincipled, vagrant grievance-monger, had complained "that the law, as interpreted by the Court of King's Bench, entitles the *county* members only to wages," without asking His Excellency Sir John Colborne or the House of Assembly itself for explanation or vindication, the despatch says, "I have no right to interfere with the deliberations of the Council, but I am able to signify to you his Majesty's pleasure that you should not oppose any objection to ANY LAW which may be presented for your acceptance for placing the town and county representations on the same footing in this respect."

Again, because Mr. M'Kenzie had complained that various religious bodies, not choosing to take an oath, were excluded from the elective franchise, the despatch most humbly says, "I shall be happy to introduce a bill into parliament for amending this part of the constitutional Act of 1791, unless there should

appear to be some difficulty in that measure which does not occur to me at present."

The influence of the crown appears to have been as successfully attacked by Mr. M'Kenzie as the great constitutional Act of 1791, for, in reply to Mr. M'Kenzie's accusations that "the crown possessed an undue influence in the Provincial Legislature," the despatch says, "If this could be shown, his Majesty would not hesitate to assent to ANY LAW which might be passed for the purpose of limiting the number of persons holding offices at pleasure who should be permitted at one time to sit there."

This uncalled-for surrender of the influence of the crown, when compared with succeeding events, forms a most melancholy illustration of the following ominous prophecy, with which it was officially accompanied: "Mr. M'Kenzie," says the despatch to Sir John Colborne, "has concluded his paper by predictions of *bloodshed and civil war*, and a dissolution of the connexion between Upper Canada and this kingdom.

"But against gloomy prophecies of this nature every man conversant with public business must learn to fortify his mind. They have ever been the resource of those who endeavour to *extort from the fears of government concessions in favour of which no adequate reasons could be urged.*"

Nothing could be more applicable to Mr. M'Kenzie than the above remark, and yet, as if to

prove how much easier it is to preach wisdom than to practise it, the despatch concludes by saying to his Excellency Sir John Colborne,—

"I have received these documents from Mr. M'Kenzie, not merely as expressing his own opinion, but also as explanatory of the views of those who have deputed him to represent what they call their grievances to his Majesty. To them, the *utmost possible respect* is due.

"*Having written this despatch with a view to publicity*, you have my authority to make it public in whatever manner you may think most convenient."

Now, instead of appearing at the Colonial Office as a broken-down pedlar and a notorious disturber of the public mind, let us suppose that Mr. M'Kenzie had come from a distant colony to the Horse Guards, to complain against the military officer in command, —can any one believe that Lord Hill would have taken any other notice of the complainant than mildly, but firmly, to have desired him to transmit his communication through his commanding officer?

In case a sailor, or even a naval officer, were to come up to London to abuse his commodore, would not the Admiralty pursue the same course, and ought not our colonial governors and legislators to be supported by the Colonial Office with that common caution which would induce every judge and magistrate, or, indeed, any sensible person, not to deliver,

or even to form, an opinion on an *ex parte* statement? Yet, in the case before us, the accusations of a man of broken character and fortune against his Excellency Sir John Colborne, against every constituted authority, and against the feelings of every respectable inhabitant in Upper Canada, were not only listened to by repeated appointments, but replied to "*with the utmost possible respect*" in the elaborate despatch above alluded to.

What were Sir John Colborne's feelings, on unexpectedly receiving this most extraordinary communication, it surely cannot be necessary to divulge, as the sentiments of the other two branches of the legislature of Upper Canada sufficiently appear from the following published extracts of their admirable, constitutional, and indignant reply to the message in which the Lieutenant-Governor transmitted to them a copy of the unfortunate document in question.

TO HIS EXCELLENCY SIR JOHN COLBORNE,
&c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY,

We, his Majesty's dutiful and loyal subjects, the legislative council of Upper Canada, in provincial parliament assembled, beg leave to express our thanks to your Excellency for laying before us an original despatch, written to your Excellency by the Right Hon. the Secretary of State for the Colonies, on the 8th of November last, containing his Lordship's observations at great length upon a variety of statements made to him by Mr. W. L. M'Kenzie, an inhabitant of this town.

The statements upon which these comments have been framed have also been laid before us by your Excellency; but, without entering into any particular consideration of their contents, with which the council had little desire to become acquainted, enough appears in the tenor of his Lordship's observations to make it manifest that those statements have been made with a very unusual disregard of truth, and in a spirit of wanton and intemperate hostility to the legislative and executive authorities in this province.

We cannot say that it may not possibly give satisfaction to some persons in this province to observe the condescending and respectful manner in which representations of so peculiar a description, proceeding from an individual, have been received and replied to, notwithstanding it was evident they were outrageously insulting to all the constituted authorities of this colony, and scarcely less so to the people at large, in imputing to them sentiments and feelings by which they never have been, and we are convinced never will be, actuated. It is not in the nature of things, however, that the legislative council, or that any portion of the people in this province, of sound hearts and understandings, having the truth under their view, can regard such statements as compose Mr. M'Kenzie's voluminous correspondence with his Majesty's Secretary of State in any other manner than with *the most unqualified contempt*—a contempt which, upon every principle on which character is acquired or lost, we think it must be more conducive to the public interests and honour, and to all the ends of good government, to avow than disclaim. So far, therefore, as the despatch of his Majesty's Secretary of State is to be considered as a reply to those statements, or as a commentary upon information derived from the same source, we cannot regard it as calling for the serious attention of the legislative council.

We appeal, however, to the intimate knowledge of this colony which your Excellency has acquired during a residence of four years, for a confirmation of our remark, that, upon several of the questions which in this despatch are most elaborately discussed, no dissatisfaction or difficulty prevails, or ever has prevailed; that no person living here ever heard or imagined before that they were seriously talked of or thought of as grievances; and that the minds of the people are so far from being disquieted by them, that it is probable not a word would be heard upon them in travelling from one extremity of the province to the other, and in mingling with its industrious population through every portion of it.

It has been painful to the legislative council to see that, in a discussion founded upon these documents, the office of Lieutenant-Governor of this province, and the names of some of the most responsible of the King's servants, are even hypothetically connected with imputations which no one can easily tolerate to find connected with his name. . . . .

(Signed) JOHN B. ROBINSON, Speaker,

Legislative Council Chamber,

2nd day of February, 1833.

TO HIS EXCELLENCY SIR JOHN COLBORNE,

&c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY,

We, his Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, return our thanks for your Excellency's message of the twelfth day of January last, transmitting a despatch of the Right Hon. the Secretary of State for the Colonies, in answer to certain letters and documents ad-

dressed to his Lordship for the purpose of proving that the people of this happy and prosperous colony are oppressed and burthened with grievances, and have become so discontented that there is danger of revolt and bloodshed, unless these alleged burthens and grievances are removed and redressed.

We most readily concede that the noble Secretary of State was actuated by the best motives in framing the despatch in question; but we cannot refrain from expressing our great regret that it did not occur to his Lordship that allegations thus deeply affecting the character of his Majesty's subjects of Upper Canada rested on no better testimony than that of an individual who had been twice expelled this House, and who, in consequence of his having fabricated and reiterated libels of the grossest description, had been declared unfit and unworthy a seat in the Assembly during the present parliament. If this fact had occurred to his Lordship, it is reasonable to suppose that he would not have felt himself at liberty to recognise the author of this additional calumny on the people of this province as the agent, or as speaking the sentiments, of any portion of the loyal inhabitants of the province of Upper Canada, and would therefore have considered it utterly unnecessary to enter into so elaborate an examination or refutation of anything advanced by him.

(Signed) ARCH. M'LEAN, Speaker.

Commons House of Assembly,
9th day of February, 1833.

One would have thought that the manly indignation displayed in these high-spirited, loyal remon-

strances from both branches of the Canadian Legislature would have induced the Colonial Office to have drawn in for ever the horns with which even then it was feeling its way towards democracy: however, Mr. M'Kenzie had still access to the department, and, as her Majesty's Attorney and Solicitor generals of Upper Canada had joined in ignominously expelling him from the House of Assembly, he determined to endeavour to display the almost royal influence he possessed, by making it appear that he had induced the Colonial Minister to dismiss both these officers from his Majesty's service. Accordingly, with this object in view, he has published in Upper Canada the following note and memorandum:—

(COPY.)

Lord Howick presents his compliments to Mr. M'Kenzie, and will be happy to see him, if he will be good enough to call on him, Monday, at twelve o'clock.

Colonial Office, 7th March, 1833.

MEMORANDUM.—This note was addressed to me on the occasion on which the Colonial Office resolved to change the Attorney and Solicitor generals of Upper Canada, in answer to my representations as to their conduct.

(Signed) W. L. M'KENZIE.

Accordingly, within one day of the date of Lord Howick's note, a despatch (6th March, 1833, and published by Mr. M'Kenzie) was addressed to Sir John Colborne, which, after referring to the part

which the two crown officers had taken in joining in the votes for the expulsion of Mr. M'Kenzie, concluded by saying, "I have received his Majesty's commands to inform you that he regrets that he can no longer avail himself of their services, and that, from the time of your receiving this despatch, they are to be relieved from the duties imposed upon them in their respective offices."

At the time this despatch was written it was known to every loyal man in the North American colonies that Mr. M'Kenzie was secretly, in his heart, the same rebel and the same traitor which experience has since proved him to be; and, although it might have been deemed impolitic in the crown officers to avow their natural hostility to such a being, yet the bare fact of the Colonial Office publicly expelling them with ignominy at the very moment when it was known that Mr. M'Kenzie was revelling in Downing-street, reading confidential communications which ought never to have been submitted to him, had the effect of disheartening the British, and of encouraging the republicans to believe most confidently that the Colonial Office was with them, and that, with that resistless engine to assist them, their dark nameless object must eventually succeed.

On Mr. M'Kenzie's return from England he was accordingly hailed by the republicans, or anti-British, as their "conquering hero," and, supported as he had been in Downing-street, it was not surprising that

he succeeded in regaining a seat in the House of Assembly, where he was enabled to ejaculate falsehoods almost faster than his own infamous newspaper and the republican press could manage to print them.

The loyal being dispirited, it was not surprising that at the next election the republicans should be successful. Accordingly, at the meeting of the session in January, 1835, a large majority of republican members (13 of whom actually were Americans) was obtained. Mr. Bidwell, an avowed enemy to monarchical institutions, and an incurable American in his mind, manner, and utterance, was elected Speaker; and, as Mr. M'Kenzie's grievances had proved so fruitful and so successful to the radical cause, it was determined to sicken the loyalists by a second dose, and, accordingly, before the session was a fortnight old, a grievance committee was appointed as follows:—

1. W. L. M'Kenzie,

For whose apprehension for treason, murder, arson, and highway robbery a reward of 1000*l.* is now offered.

2. T. D. Morrison,

Since tried for treason, and has suddenly quitted the province.

3. David Gibson,

One of M'Kenzie's principal officers in the battle of Gallow-hill, on which day, having absconded, he is now outlawed as a traitor, a reward of 500*l.* having been offered for his apprehension.

4. Charles Waters,
A notorious republican.

Although the transparent veil, which covered rather than concealed the character of this committee, had not as yet rebelliously been cast aside, still it was just as evident in our North American colonies *then* as it is *now*, that the whole and sole objects for which these republicans were striving were—

1. Separation of the Canadas from the mother-country.
2. The robbery and murder of the loyal inhabitants.
3. The attainment of that *general letter of licence* which is the natural effect, in a young, thinly-peopled country, of a sudden transition to democracy.

It was perfectly well known to every man of character in Upper Canada that, because the report of this Grievance Committee would be written by its chairman, Mr. M'Kenzie, it could possibly not, in the nature of things, contain anything but a confused mass of falsehoods and misrepresentations, forming the basis of new demands upon the Colonial Office, that the power of the Lieutenant-Governor should be weakened—that his Executive Council should be made "responsible to the people," and that the Legislative Council, which corresponds with our House of Lords, should also be elected by "the people."

All this being clearly foreseen, it became neces-

sary for Mr. M'Kenzie and his colleagues, in delivering themselves of their report, to have recourse to a considerable degree of stratagem. Accordingly, a very few days before the close of the session, Mr. M'Kenzie, at midnight, brought up in the House of Assembly, when it was thinly attended, this report of the Grievance Committee, which, WITHOUT BEING READ, was merely received and laid on the table. *It was not adopted*, but, on its being artfully proposed that 2000 copies of it should be printed in "*pamphlet form*" (thereby giving the house to understand that this report, whatever it might contain, was after all a mere *pamphlet*), even this was opposed and eventually carried only by a majority of eight.

On the following morning, and on the two succeeding days, several members inquired for this Grievance Report, but for three days it could not anywhere be found, until it was again produced by Mr. M'Kenzie himself, who was obliged to confess he had taken it home with him ; and it is now well known that he did so for the purpose of surreptitiously inserting, previous to its being printed, a quantity of additional matter; and with this base transaction the session closed.

At the end of May the report of the Committee was printed, and, when it made its appearance, instead of being in "pamphlet form," it turned out to be a large octavo grievance volume, in boards, contain-

ing 553 closely-printed pages ; and it has been calculated (I believe accurately) that there exist in this book more than three times as many gross falsehoods as pages !

As every respectable inhabitant in the colony knew that nothing but wilful misrepresentations could proceed from the pen of Mr. M'Kenzie, the insulting libels which this report contained on the Executive Government, the Executive Council, the Legislative Council, and on everything that is venerated in our social fabric, were treated with indifference and contempt, and by no one more so than by His Excellency Sir John Colborne, who at once forwarded the infamous volume to the Colonial Office, with a few short observations, pointing out the glaring "falsehoods" it contained.

On the arrival in Downing-street of this huge book of grievances, declared by the Lieutenant-Governor to be full of "falsehoods," which had not appeared before or even been alluded to by the Legislative or Executive Councils, and which had neither been read nor adopted by the House of the representatives of the people of Upper Canada, one would have thought that the Colonial Office would have recollected the punishment under which it had lately smarted—first, by the stern, manly rebuke it had received from both Houses of the Legislature, for having, without consulting them, recommended legislative proceedings on Mr. M'Ken-

zie's alleged grievances—and, secondly, by the humiliating necessity to which it had been reduced, of publicly restoring to office the two crown officers who (Mr. M'Kenzie has stated) were dismissed in consequence of *his* representation.

One would have thought that, as "a burnt child dreads the fire," such fatal experience would have taught the Colonial Office to shudder at the very name of Mr. M'Kenzie—that it would have taught the Office to place a just confidence in the Lieutenant-Governor of the colony, and never again, by listening to ex-parte unofficial statements, to subvert all rule and government, by giving the Governor and Legislature the go-by. But the policy of the Colonial Office was immoveable—its course unalterable —its malady incurable; and, though it was perfectly aware of the struggle that was taking place on the continent of America between monarchy and democracy, it deliberately threw its immense influence into the wrong scale!

Accordingly, instead of disregarding this unadopted, and even unread, report of a party who have since shown they were a nest of traitors; instead of supporting the Executive Government, which had been infamously reviled, they came to the determination, not only to recall His Excellency Sir John Colborne from his post, principally because he had treated this report with silent contempt, but, as if to gild the fame, or rather the infamy of Mr. M'Kenzie,

they resolved to submit for the King's approval a series of drastic remedies for almost all the fictitious disorders which the wicked report of Mr. M'Kenzie had detailed. That brave and gallant veteran officer Sir John Colborne (whom, though a slight difference exists between us, I both respect and regard) was accordingly officially apprized that he would immediately be removed—remedial concessions were framed —the loyal population were again disheartened— the republicans again improperly boasted that the Home Government was with them;—and thus ends the first chapter of the political accidents it has become my melancholy fortune to relate.

CHAPTER II.

The History of my Appointment to the Government of Upper Canada in November, 1835.

It had blown almost a hurricane from the S.S.W.—the sheep in Romney Marsh had huddled together in groups—the cattle, afraid to feed, were still standing with their tails to the storm—I had been all day immured in New Romney with the board of guardians of the Marsh Union; and though, several times my horse had been nearly blown off the road, I had managed to return to my lodging at Cranbrook; and, with my head full of the unions, parishes, magistrates, guardians, relieving officers, and paupers of the county of Kent, like Abon Hassan, I had retired to rest, and for several hours had been fast asleep, when, about midnight, I was suddenly awakened by the servant of my lodging, who, with a letter in one hand, and in the other a tallow candle, illumining an honest countenance, not altogether free from alarm, hurriedly informed me, "*That a king's officer had come after me!*"

What could possibly be the matter in the workhouse of this busy world I could not clearly conceive; however, sitting up in my bed, I opened the letter, which, to my utter astonishment, was from the Secretary of State for the Colonies, expressing a wish that

I should accept the government of Upper Canada; and that, if possible, I would call upon him with my answer, at half-past eight the following morning, as at nine o'clock he was to set out for Brighton, to see the King.

As I was totally unconnected with every member of the Government, and had never had the honour even of seeing Lord Glenelg in my life, I was altogether at a loss to conceive why this appointment should have been offered to me. However, as it appeared there was no time to be lost, I immediately got up, and, returning to London in the chaise of the King's messenger who had brought me the communication, I reached my own house at Kensington at six o'clock, and having consulted with my family, whose opinions on the subject of the appointment I found completely coincided with my own, I waited upon Lord Glenelg at his residence, at the hour appointed (half-past eight), when I most respectfully, and very gratefully, declined the appointment.

To this determination Lord Glenelg very obligingly replied, by repeating to me his wish to be enabled to submit my name to the King for so important and difficult a trust: he begged me to reconsider the subject; and, in order that I might be enabled to do so, he requested me to go and converse with his under-secretary, Mr. Stephen, who, his Lordship said would give me every information on the subject.

Nothing could be more uncongenial to my habits,

disposition, and opinions than the station that was offered to me: while, on the other hand, as regarded my appointment in the poor-law commission, never had I been engaged in a service the duties of which had so completely engrossed my mind. Rightly or wrongly, it now matters not, I fancied that, against prejudice and clamour, I should eventually succeed in the noblest, and to my mind the most interesting, of all services, that of reviving the character and condition of the English labourer; and as, notwithstanding the unpopularity of the new Act, I had, thanks to the magistrates, yeomanry, and farmers of the county of Kent, carried it into effect by acclamation, the pleasure as well as interest of the task was daily increasing.

If the poor-law commissioners had expressed the slightest wish to remove me from Kent to any station of greater difficulty, or even of danger, it would of course have been my especial duty not to have declined; but, as the Colonial Office had not the slightest claim upon me, and as I was really grossly ignorant of everything that in any way related to the government of our colonies, I continued, so far as my own wishes, and even interests were concerned, to adhere to my opinion.

Still, however, I did not like to persist in refusing my humble services to the King's Government, after they had been twice required of me; and accordingly, walking towards Downing-street, under this con-

fliction of feelings, it was with considerable reluctance that I entered the door of the Colonial Office.

In obedience to a principle which I need not repeat, I at last, without any further reference to my family, expressed to Mr. Stephen that I would undertake the duty ; and accordingly a letter was, without delay, despatched to Brighton to Lord Glenelg, who, on receiving it, immediately submitted to the King my name, of which his Majesty was graciously pleased to approve.

I must now mention a few details which, though not very interesting to relate, had perhaps better not be withheld from the public.

In my interview with Mr. Stephen I learnt that, from motives of economy, which, in a moment of so much alleged danger, I could not clearly comprehend, there would be a difficulty in continuing to me an aid-de-camp, and that, not only was I to receive 500*l.* a-year less salary than my predecessor, but that, instead of his military remuneration, which amounted, I understood, to nearly 1000*l.* a-year, I was to forfeit to the Government my half-pay as major in the army.

With respect to these arrangements, I at once very distinctly observed to Mr. Stephen that, although it was, of course, utterly impossible for me even to imagine what would be the official expenses to which I should be subjected, yet that, as so many governors, one after another, were supposed to have failed in

their missions, and as the difficulties which had overcome them were declared to have increased rather than to have diminished, I considered it was unreasonable, as well as imprudent, in the Government to ask me to encounter them with diminished means. I told Mr. Stephen that to go without an aid-de-camp to a disturbed colony, where the Governor had always been seen to have one, would in my opinion be impolitic; and I added that, as I was altogether below my predecessors (Sir Peregrine Maitland and Sir John Colborne) in military rank, and that as I was to be divested of the command of the troops, I thought the civil elevation of a baronetcy ought to be conferred upon me.

In short, my argument ran upon the theory that I thought I ought not to go into action without as many shot in my locker, and as much support, as my predecessors had had. I declared I wanted no more.

In reply, Mr. Stephen admitted the justness of my theory. He told me that I ought to have an aid-de-camp—that he thought I should be justified in insisting that my official expenses, as Lord Gosford's had been, should be defrayed—that if a batch of baronets were to be created there would be no difficulty; but there were so many applications for the distinction, that he thought Lord Melbourne might feel he would create jealousy by a single appointment.

The following day I did not see Lord Glenelg; but, as I had been apprized that, in order that the King's promise to the Legislature of Upper Canada, to give his answer in January, should not be broken, it would be necessary I should sail in a very few days, I thought it advisable that, before I was gazetted, I should repeat in writing the requests I had made to Mr. Stephen. I accordingly did this, and myself delivered the communication to Mr. Stephen, who however advised me not to force it officially upon Lord Glenelg, but to leave him perhaps to speak to his Lordship on the subject.

I had, I think, only one short interview with Lord Glenelg before I went to the King, at which, though my attention was of course occupied with higher subjects, I very shortly submitted to his Lordship (in presence, if I recollect right, of Sir George Grey) the propriety of my being raised as nearly as possible to the same level as my predecessor, to which general theory Lord Glenelg with his usual kindness of manner replied, "There is much truth in what you say."

On my arrival at Brighton, in order to be presented to the King, I explained the difficulty which had been raised about my aid-de-camp, to which it was replied, "You really ought not to go out without one!"

Everybody thus seemed to agree with my theory, and yet nothing was settled. At last Mr. Stephen

took me to Lord Howick, and after considerable trouble I was authorised to appoint Lieut. Halkett, of the Coldstream Guards, as my aid-de-camp.

As my time was very short, my attention was much engrossed in reading over a voluminous correspondence which was placed before me in the Colonial Office. I had to wind up, or rather to cut, the thread of my business with the Poor Law Commission, and had also my private affairs to settle; accordingly the day of my departure arrived without any terms with the Government having been satisfactorily settled. I had been subjected to considerable losses by being called upon so suddenly to break up my establishment; and for temporary outfit I had been thus subjected to expenses exceeding 500*l.*

In order that the King's promise to the Legislature of Upper Canada should be fulfilled, instead of being sent, as had been customary, in a King's ship, I was desired to proceed with my suite, which consisted of my aid-de-camp, my civil secretary, &c., by the packet to New York, from whence I was to transport them, as well as my baggage, in the depth of winter, through the United States to Canada; and, in order to indemnify me for all these losses, outfit, and expenses, I was offered on the morning of my departure 300*l.*, of which, I was told, it would be necessary to retain 230*l.* for the fees of my commission.

With my suite I immediately set off for Liver-

pool, and I was on board the New York packet, which was actually moving out of the harbour, when an official letter was delivered to me by post, cancelling the appointment of my aid-de-camp !

There was of course no time to remonstrate : however, as Lieut. Halkett, in order to join me, had obtained from the commanding officer of his regiment a year's leave of absence, I begged he would employ it by accompanying me to Toronto as my guest, which he accordingly did.

My arrival in Upper Canada will form the subject of the next chapter. I will therefore merely here state that, in the very few words which passed between Sir John Colborne and myself on the subject of official expenses, Sir John mentioned to me, in general terms, that these expenses had, during the ten years he had administered the government, exceeded his salary of Governor ; and I had scarcely thus learned that the theory I had asserted in the Colonial Office was a practical fact, when I found that, even before I was sworn in, I was debtor to Sir John Colborne 1050*l.* for stoves, kitchen apparatus, furniture of public rooms, &c., and that I should be required to pay another 1000*l.* for horses, carriages, sleighs, linen, liveries, additional furniture, &c.

Considering that our valuable North American colonies were supposed almost by everybody in England, and especially by the Government, to be on

the point of separating themselves from the parent state, I will merely ask, was it even politic in the King's Government to despatch me on so forlorn a hope, not only without sufficient means, but, morally speaking, as destitute of ammunition as General Whitelock's men were, when, without flints or fixed bayonets, they were wilfully marched towards inevitable defeat?

Whatever may be the opinion of the public on this subject, I shall always believe that, had I, inexperienced and unsupported, fallen as soon as I reached my post, his Majesty's Government would have been liable to impeachment for the loss of our North American colonies. Nevertheless, I really do them the justice to believe that they were so intoxicated by the insane theory of conciliating democracy, that they actually believed the people of Upper Canada would throw up their hats and be delighted at the vulgarity of seeing the representative of their sovereign arrive among them as an actor of all work, without dignity of station, demeanour, or conduct: in short, like a republican governor, who, from his cradle, has been brought up to reckon "that all men are born equal"—that the fabric of human society has neither top nor bottom—that the protection of property of all description belongs to the multitude, and that the will of the mob is the real "law of the land."

CHAPTER III.

My arrival at Toronto—Strange impression concerning me—The conduct of the Loyalists—and of the Republicans—Copy of letter from Mr. Joseph Hume to Mr. M'Kenzie, found among Mons. Papineau's baggage—My communication to his Majesty's Government.

THERE would be no end to this chapter were I to describe the simplicity of mind, ill-naturedly called ignorance, with which I approached the city of Toronto.

With Mr. M'Kenzie's heavy book of lamentations in my portmanteau, and with my remedial instructions in my writing-case, I considered myself as a political physician, who, whether regularly educated or not, was about to effect a surprising cure: for, as I never doubted for a moment either the existence of the 553 pages of grievances, nor that I would mercilessly destroy them root and branch, I felt perfectly confident that I should very soon be able proudly to report that the grievances of Upper Canada were defunct—in fact, that I had veni-ed, vidi-ed, and vici-ed them.

As, however, I was no more connected with human politics than the horses that were drawing me—as I had never joined any political party, had never attended a political discussion, and had never

even voted at an election, or taken any part in one— it was with no little surprise that, as I drove into Toronto, I observed the walls placarded in large letters which designated me as

"Sir Francis Head, a tried reformer."

I could soon see that the loyalists looked upon me in this light, and, acccordingly, on the very first appointment, that of Surveyor-General, which they themselves forced me to make, they almost one and all joined in a very improper petition to the King, which I am sure they have all since deeply regretted.

Exposed as I knew I must be to the political storm, it was to me a matter of the most perfect indifference from which quarter of the compass it proceeded. "*I have the grievances of Upper Canada,*" I said to myself, "*and I have their remedies;*" and, whether the Tories liked the medicine or whether they did not, I cared not a single straw.

Among those who in private audience presented themselves to me was Mr. Bidwell, the Speaker of the House of Assembly.

To this gentleman, who was the leader of the republicans, I expressed the same language which I had addressed to the leaders of the opposite party. I told him plainly that I was an inexperienced man, but that I would deal honestly towards the country; and, being resolutely determined to correct the grievances of the province, I at once took up the book which

contained them, and invited Mr. Bidwell to converse with me freely on the subject.

To my utter astonishment, he told me that there were grievances not at all detailed in that book, which "the people" had long endured and were still enduring with great patience; that there was no desire to rebel, but that a morbid feeling of dissatisfaction was daily increasing—that increase it *would*, and that, in fact, if it had not been distinctly stated that I was the bearer of new instructions, those with whom he was associated had come to the determination never to meet in provincial parliament again. "*What, do you mean, Sir,*" said I, "*that this book of grievances, which I have been especially sent to correct, does not contain the complaints of the province?*" Mr. Bidwell repeated his former answer, and, from that day to the hour of his leaving the country, *never* could I get him to look at the book of grievances, but whenever I referred to it he invariably tried to decoy me to some other Will-o-'the-wisp complaint, which in like manner would have flown away before me had I attempted to approach it.

When Mr. M'Kenzie, bringing with him a letter of introduction from Mr. Hume, called upon me, I thought that of course HE would be too happy to discuss with me the contents of his own book, but his mind seemed to nauseate its subjects even more than Mr. Bidwell's. Afraid to look me in the face, he sat, with his feet not reaching the ground, and

with his countenance averted from me, at an angle of about 70 degrees; while, with the eccentricity, the volubility, and indeed the appearance of a madman, the tiny creature raved in all directions about grievances here, and grievances there, which the Committee, he said, had not ventured to enumerate.

"*Sir*," I exclaimed, "*Let us cure what we have got here first!*" pointing to the book before me. But no, nothing that I could say would induce this pedler to face his own report; and I soon found that the book had the same effect upon *all* the republican members, and that, like the repellent end of a magnet, I had only to present it to the radicals to drive them from the very object which His Majesty's Government expected would have possessed attraction.

Although I had arrived in total darkness, the light of truth at once now bursting upon my mind, I perceived most clearly that the republicans had overreached themselves; or, in still plainer terms, that they had killed the goose which had been laying them golden eggs. The following Guy-Faux letter from Mr. Joseph Hume, M.P., to Mr. M'Kenzie, points out the cautious, cunning, bit-by-bit course of "reform," which, in order to attain their treasonable object, the republicans in our colonies *ought* to have adopted, instead of dangerously asking for too much at a time, or of ever rashly committing the sum total of their grievances to paper.

This letter, which was taken among Mr. Papi-

neau's baggage after he had absconded, was endorsed in the traitor's own hand-writing as follows:

"Jos. Hume. Addressed to W. L. M'Kenzie, ad-
"vice respecting the policy to be pursued by
"him."

"To William Lyon M'Kenzie, of Toronto.

"*London, December 5th,* 1835.

"My dear Sir,

"You will learn, with as much pleasure as surprise, of the recall of your present Lieutenant-Governor, and of the appointment of Sir Francis Head to succeed him. Of the causes which produced this very fortunate change I will not now dilate, but congratulate you and the people of the province of the choice made of Sir Francis.

"Sir Francis is known as the author of 'Observations 'on South America,' whither he went on some mining expedition, and as the author of the 'Bubbles of the Brun-'nens.' He has been employed as poor-law commissioner in Kent, and his conduct and principles have been much approved of.

"He has been selected as a civilian, as I hope it is now the determination to send civilians as governors, instead of the military men, as heretofore. Sir Francis has, therefore, I believe, sold out of the army. I send you a letter of introduction to Sir Francis, to whom I have given * the 1st and 7th Report of your Committee of Grievances, that he may read and study them on his voyage to Canada; I gave

* Mr. Hume *sent* these reports and letters to me. He wrote me a note proposing an interview, which I politely declined, and, after having read his papers, returned them by a messenger.—F. B. H.

him some of your late letters to me to read, so that *he* might know the grievances you have to complain of, and arrive in some degree acquainted with your province. If I had your other reports, I should have given him a copy. I gave my first copy to Sir George Grey, Under Secretary, and Mr. Chapman has replaced that one by those you sent him. If these had been in time, I should have met Sir Francis Head, and have explained to him my view of your situation, but I have written to him shortly on these subjects. I enclose you a letter to him, and send you a copy of that letter, that you may see what I have said to him.

"My anxiety is, that you and all the reformers should receive Sir Francis in the best possible manner, and do everything consistent with principle to meet his views and wishes. We think Sir Francis will do what is possible to conciliate and settle matters, and you must make allowance for the instructions he may have from Downing Street, where I do not think they have yet come to the resolution of doing to the colonists what they are doing, or striving to do, for the people of the United Kingdom.

"When I tell you that to us, who are on the spot, and watching every movement of ministers, there appears to be a reluctance to make reforms efficient for the objects contemplated, and that we have still the battle to fight for extended suffrage—for protection for our electors in voting—for equal civil rights to all classes of religious opinions—for reform in our courts of law, &c., you must not be surprised if the ministers are not prepared to yield you an elective Legislative Assembly, which is one chief object of your demands. You must have patience, and take as much as you can get quietly. I approve much of the spirit of the speech of Lord Gosford to the Assembly of Lower Canada,

and trust that Sir Francis Head will do as much for you. In that case, and you will be right to demand equal justice, I would have you moderate your demands for the Legislative Council, and get all the other rights fairly established. If I could have influence with Mr. Papineau and his associates, I would counsel him to accept *cheerfully* the proffered concessions by the Government, and give a fair trial to the Government under the new and improved system. You must bear in mind that the conduct of the House of Lords in the last session has raised in the minds of the reformers here a conviction, as strong as it can be either in Upper or Lower Canada, that the House of Lords should be elective and *responsible*, and I have given notice for an inquiry, with that view, in the ensuing session. We do not expect to carry that measure, as Lord John Russell has, in public speeches, declared his intention to resist—to resist any interference with the House of Lords and their privileges. But we shall discuss the nature and constitution and power of that House, and *take, in the mean time, all the concessions we can,* to complete the Reform Bill, and other measures now in progress. We do this to get quietly what can be *used afterwards for getting more,* if that shall after trial be necessary. Your demands respecting the Legislative Council are exactly the same in principle as ours respecting the Lords. Responsibility to the people in both countries I deem essential for good government, and for the power and satisfaction of the people. But I must consider the resistance to that concession, and wait the proper time for urging the demand, so as not to interfere with other reform going on.

"*Our object, therefore, is your object;*" and I request you to use your influence to prevent that question, if it should

not be yielded by your Governor, from causing strife or ill will between the Reformers and the Government. I observe that Lord Gosford has left the Legislative Council, as to its election by the people, out of his speech; but he has promised to improve it by leaving out all those dependent functionaries, and you should try to get on with that, the best way you can, for some time. Whenever we succeed in England, you will have no difficulty in Canada in obtaining an improved Legislative Council, and I hope you will keep that in view.

"I wish you would convey to Mr. Papineau, in Lower Canada, this opinion and advice, as the one which all the best friends of Canada in this country would offer, and let them consolidate and mature what his Lordship has offered to give them. My friend Mr. Roebuck, and some others here, *are too sanguine*, and disposed to demand *too much*, and in a manner likely to do harm to the party here; and I should, therefore, be delighted to see a tone of moderation and conciliation assumed by the popular party in both countries, in answer to the overtures of the present Whig Government. You will bear in mind that the Liberal party here have the court, the aristocracy, and the church all against them, and that it is sound policy in the Radicals not to urge demands from the Whigs which shall, in any way, give ground for the King to throw off the Whigs and to take the Tories to power. Every day the Whigs remain in power, the power of the people is increasing, and the power of the Tories and the church is decreasing: I therefore entreat you to prevail upon the Reformers in both Canadas to act with moderation; and, whilst they continue to state what their ultimate and just demands are, receive with *conciliation* what they can get towards the amelioration of your existing grievances.

"If the Reformers, from the Ultra-Radical to the milk-and-water Tory-Whig, had not acted on these principles in the last session, the Tories would have remained in power, and we should not have got Municipal Reform and other reform, as now going on.

"You may take my advice, who have never flinched from giving an honest advice to the Canadians, that the healing of their differences in the Canadas, by accepting the concessions offered, will please the Ministers here, and give satisfaction to the King, who is understood to take a warm interest in your affairs. *Take what you can get*—petition for the rest; but use cool language, and act with moderation in every way. You may trust to us here, that every accession of right and power, by the people of the United Kingdom, will soon be returned to the Canadians. I shall be pleased to hear from you from time to time, and, with best wishes for your success,

"I remain,

Yours obediently,

(Signed) "JOSEPH HUME."

"P.S.—The Tories here have been boasting much of their success in the late registration of votes, but I believe without truth. I believe Reformers are stronger than ever all over the country, and that, with the aid of the Municipal Councils, the majority for Reform in the House of Commons, in the next election, will be 150 at the least. The Tories are boasting of an early dissolution, and that Sir Robert Peel will again be in office soon; but, as the present Ministry will not resign, I do not think the King will try another *coup-d'état,* as he did in November last year,

"From all this you will conclude that the Whigs will remain, and as *they cannot stand without the Radicals,*

the Ministers must be doing a little to please them, and thus the rights of the people will be gradually secured.

"J. H."

Having endeavoured to explain the position in which I found myself, after my first fortnight's experience in provincial government, I will now lay before my readers a despatch which was written within a week of my arrival at Toronto.

Government House, Feb. 5, 1836.

My Lord,

In my despatch, No. 2, I informed your Lordship that I arrived at Toronto on the 23rd ult. I had previously engaged apartments, for myself and the three gentlemen who accompanied me, at the principal hotel in this city, but on my arrival a letter from Sir John Colborne was immediately delivered to me, by his aid-de-camp, informing me that rooms were prepared for me at Government-House. Requiring rest and quietness, I at first declined the invitation; but, finding that party differences were running very high, and being desirous to show that I had at least arrived with unbiassed feelings, I thought it better to accept than to decline the attention that was offered to me, and I accordingly went to Government-House on Saturday.

On Monday I was sworn in as Lieutenant-Governor of this province, and the following morning Sir John Colborne and his family left Toronto for

Montreal, accompanied, for a few miles, by a vast concourse of people, who, I was happy to see, vied with each other in testifying the sense they entertained of his amiable character and high moral worth.

On Sir John Colborne's departure I endeavoured to make myself acquainted with the outline of public feeling in the province, by conversing calmly with the men of most ability of all parties. I had several interviews with the chief-justice and the officers of the crown, two long conversations with Mr. M'Kenzie, member for York, two interviews with Mr. Bidwell, the Speaker of the House of Assembly, and with others.

As far as I was capable of judging, it appeared to me that, in general terms, a good feeling pervaded a majority of the people of this province, who, intently occupied in their various locations, are naturally desirous to be tranquil, and equally disposed to be loyal.

That party feeling, however, and struggle for office, which have existed so strongly in the mother-country, have produced similar excitements in this province; added to which, strong republican principles have leaked into the country from the United States. These various elements have long been conflicting together in the House of Assembly, which, I firmly believe, misrepresents the general feeling and interests of the inhabitants, who, as I have

before said, ardently desire peace, tranquillity, and a continuance of exemption from taxation. But, from the peculiar state of this infant society, all that is good and estimable remains at the bottom, while the surface is agitated by factious discussions.

In England this evil would soon be corrected by the ebullition of a free press; but the greatest difficulty which seems to present itself is, that the press is here conducted by editors who, on all sides, not only misrepresent, but shamelessly falsify, all public events. In Toronto, this unprincipled mode of warfare is so well understood, that it produces but little evil; but the dissemination of falsehood throughout the remote districts of the province, as well as in Lower Canada, creates a moral contagion which it is almost impossible to arrest.

As far as I have been able to judge, I should say that the republican party are implacable; that no concession whatever would satisfy them, their self-interested object being to possess themselves of the government of this province, for the sake of lucre and emolument.

Under these circumstances, I considered that the great danger I had to avoid was the slightest attempt to conciliate any party; that the only course for me to adopt was to act fearlessly, undisguisedly, and straightforwardly, for the interests of the country, to throw myself on the good sense and good feeling of the people, and abide a result, which, I firmly believe, will eventually be triumphant.

Having resolved on this course, I verbally ex-

plained it to Mr. Bidwell, the Speaker of the House of Assembly, a gentleman of unimpeachable moral character, but of strong republican principles; to Mr. M'Kenzie, one of the members for York; to the various heads of parties; and to the members of the Executive Government; and, on the 27th ultimo, I delivered to the two Houses of the Legislature the following speech:—

Honourable Gentlemen of the Legislative Council, and Gentlemen of the House of Assembly,

As the Lieutenant-Governor of this province, I am commanded by the King to lay before you the answer his Majesty has been pleased to give to the several addresses and representations which proceeded from the two branches of the legislature during your last session.

This communication I shall submit to you in a Message, which will at once inform you of the difficult and most important duties about to devolve upon me, as well as upon yourselves.

As regards myself, I have nothing either to promise or profess, but I trust I shall not call in vain upon you to give me that loyal, constitutional, unbiassed, and fearless assistance which your King expects, and which the rising interests of your country require.

The newspapers I have forwarded contain the Addresses I received from the Legislative Council, and from the House of Assembly, to which addresses I replied as follows:—

Honourable Gentlemen of the Legislative Council,

It is with much satisfaction that I receive your congratulations upon my assumption of the government of this im-

portant province, and I cordially participate in the sentiments of gratitude you express for the paternal solicitude of our most gracious Sovereign.

Mr. Speaker, and Gentlemen of the House of Assembly, I thank you for the address I have just had the pleasure to receive from you. I appreciate the liberality with which you welcome my arrival among you. I am gratified to learn that you sincerely desire cordially to co-operate with me in the arduous duties which, by command of our revered Sovereign, we are about impartially to perform; and I look with confidence towards the future for the continuance of your loyal support.

A great difficulty now arose in my mind, namely, whether my message should consist of my instructions and appendix, as I received them, or whether I should condense them.

I at first attempted the latter course, but, in carrying it into effect, I found the subjects so important, the remedies to be applied requiring so unavoidably the explanatory arguments upon which they had been prescribed, that I felt it was almost impossible for me to undertake correctly to translate them into other words. I also considered, that as unexpected difficulties had lately arisen in Lower Canada, and as the press was at that moment decrying "the trembling Government of Great Britain," any concession proceeding from me might appear as if extorted by the threats of the moment: whereas, I felt that f my instructions were given to both Houses exactly as I

received them, their date would clearly show that they had no reference whatever to the tumultuous proceedings of the day.

I had also reason to believe that the House of Assembly would not be satisfied with anything short of the precise words of his Majesty's Government, inasmuch as Sir John Colborne had formally announced to them, that on my arrival the King's answer to the addresses and communications from both Houses of the Provincial Legislature would be officially announced to them. I felt confident that they would receive with the greatest suspicion and dissatisfaction any alteration made by me, and that although I might certainly assert the prerogative of refusing to accede to their wishes, yet that such a course would belie the straightforward policy which I had declared I would adopt, and at once involve me in an ignominious dispute, amounting, after all, to nothing less than a quibble, because as I was actually ordered by your Lordship to give them *the substance of my instructions*, they might fairly argue that the substance and the reality were and ought to be identical.

It is true that by giving to them the Appendix which is an extract of Lord Gosford's instructions, I felt that I might possibly embarrass his Lordship and the Commissioner of Inquiry; but after giving the subject the best reflection I was able, I considered that the point of all others on which the House of

Assembly were most anxious to receive his Majesty's determination, namely, the alteration, if any, in the Legislative Council, was only mentioned in my instructions by a reference to the said Appendix, and that the manner in which it was there treated was by arguments (which I could not presume to withhold) avowedly declared to be applicable to both the Canadas.

I also remembered, that in the draft of the Instructions and Appendix originally given to me by your Lordship, I was ordered to give the "copy" of them to the provincial Legislature, and that when the word "substance" was substituted for the word "copy,"* your Lordship will remember it was explained to me in England, that the alteration was merely made because it had been considered undignified that it should appear, I was ordered to do so, your Lordship observing to me, "*But remember, the more you give them of it the better.*"

I have not hesitated to make this explanation to your Lordship of the course I determined to adopt, because, as regards Lord Gosford, I am not without the apprehensions I have stated.

For the reasons above stated, I accordingly for-

* This alteration was made by the King himself, who deemed it *infra dig.* that the Assembly of Upper Canada should read that I was *ordered* to give them a *copy* of my instructions. His Majesty thought it better that the quantum of the communication of my instructions should at least *appear* to be left to my discretion.

warded a copy of my Instructions and Appendix to each house of Parliament, in the form of a message, headed as follows :—

"*Government House*, 13*th January*, 1836.

"The Lieutenant-Governor transmits to the Legislative Council (House of Assembly) the communication alluded to in his speech to the two Houses of the Legislature, on the 27th instant.

"The Lieutenant-Governor was commanded by his Majesty to communicate the substance of his Instructions to both Houses of the Provincial Parliament, but considering it would be more satisfactory to them to receive the whole, he accordingly transmits it herewith."

I am well informed that the Legislative Council were highly satisfied with the above message, and a deputation waited upon me with an address expressive of these sentiments.

The House of Assembly has not yet pronounced its opinion on the subject, but has merely ordered 2000 copies of the message to be printed. A most violent discussion will of course take place, and the result will pretty clearly determine the relative strength of the placable and implacable parties in that House.

Whatever may be the result, I shall steadily and straightly proceed in the course of policy I have adopted: I shall neither avoid nor rest upon any party, but, after attentively listening to all opinions, I will, to the best of my judgment, do what is honest

and right, firmly believing that the stability of the throne, the interests of this province, and the confidence of the people can now only be secured by such a course.

I have the honour to be,
My Lord,
Your Lordship's most obedient servant,
F. B. Head.

The Lord Glenelg, &c. &c. &c.

As I had anticipated, the production of my Instructions embarrassed Lord Gosford in the policy by which he was endeavouring to obtain his supplies. The Colonial Office joined in the general disapprobation which, in London, was expressed at my conduct, although the Office knew, as well as one who is still living knows, that in my Instructions, as they were originally shown to the King, I was ordered to give "the copy," and that it was *his Majesty himself* who made the alteration, which was explained away to me by Lord Glenelg, as I reminded his Lordship in the preceding despatch.

CHAPTER IV.

The Republicans are mortified—My Opinions and Policy expressed to the Colonial Office—Am called upon to increase the Executive Council—Ominous Circumstances attending these Appointments—The Republicans prepare to advance.

ALTHOUGH the well-known blue-bound grievance book, which I constantly kept on my table, acted as a talisman in driving from me the republican party, who apparently could speak no language but that of indefinite complaint, yet I clearly foresaw that they would not long submit to be thus easily defeated. Although nothing but polite expressions had passed between us, it was perfectly evident to me, that the Republicans were sorely mortified at being, on all occasions, "brought to book," and that as their case had thus become desperate, they were not merely waiting, but were eagerly *seeking*, for an opportunity to pick any quarrel with me, that would enable them to join with Mr. Papineau and the House of Assembly of Lower Canada in open rebellion. Accordingly, though the main body of their forces continued stationary, it will appear from the following despatch, that, before I had been three weeks in the Province, their skirmishers began to advance.

No. 5.

Government-House, Toronto, Feb. 15th, 1836.

My Lord,

I have the honour to enclose to your Lordship an address which I have received from the House of Assembly.

Your Lordship will perceive that it was moved by Mr. M'Kenzie, with the object publicly to extract from me my opinions on various subjects, which have long been violently agitated in the House by himself and others, and that in order to give unusual publicity to the address, 2000 copies have been ordered by the House to be printed; besides which, it has been copied and published in most of the newspapers.

I accordingly submit to your Lordship my answer to this address, which you will perceive is written to meet the object to which I well know it is intended to be applied, namely, to be circulated throughout the Canadas.

I can assure your Lordship that I have had very satisfactory and amicable conversations with a number of individuals of all parties; and the more I reflect upon what I have heard and observed, the more convinced I am that the population of Upper Canada will eventually rally round this government, if it firmly and decidedly declares that it is determined *to maintain the constitution inviolate,* but to correct, cautiously, yet effectually, all real grievances.

As long as people in the remote districts are allowed to believe that the government of this province feels itself insecure, so long will they be disposed to attach themselves to whatever they are led to conceive has stability and strength; but if their own interests be appealed to, if they find that we are anxious to infuse among them capital and population, both of which they ardently desire, and that nothing but dissension prevents it, they will, I firmly believe, very quickly correct for themselves the greatest of all their grievances, namely, a factious opposition to the British Government.

Since my arrival here my attention has been much occupied in searching for two or three individuals fit to be added to the Executive Councils, which will probably be the subject of my next despatch.

I have the honour to be,

My Lord,

Your Lordship's most obedient servant,

F. B. Head.

The Lord Glenelg, &c. &c. &c.

The Constitutionists, or Tories (as they were called by the Republicans), who immediately after my arrival had made *one* bad move, now as thoughtlessly made another, which for a moment threatened alarming consequences.

An active member of my Executive Council brought before my consideration, in the most formal

manner possible, certain reasons for my increasing that body, which, though obvious and unanswerable, I should have been most happy to have overlooked, until I had had time enough to become better acquainted with the province. Under such an excuse, however, I did not feel disposed to shield myself, and as this grievance at least was admitted, I determined I would not be seen openly to refuse to correct it, but the embarrassing question at once arose, *from which party should the increase be made?* I did not choose to join the Republicans: the Tories, who, fearing I was their enemy, had thought proper to join in petitioning the King against the very first act of my administration, were still almost in a body standing aloof from me. I did not, therefore, feel it right to advance towards *them;* and, being thus obliged to be independent, I determined that the addition to my council should be made from the middle party, instead of from either of the two extremes. Accordingly, explaining my object, I collected all the most respectable opinions I could, putting down every name that was recommended to me, and finding that the name of a Mr. Robert Baldwin (a gentleman I had never seen) was repeated on my list infinitely oftener than any other, I sent for this individual (as will appear by the following despatch), and throwing myself upon his advice for the addition of two other names, I was led by him to select Dr. Rolph, who has since proved, next to Mr. M'Kenzie, the most wicked of the traitors.

The Constitutionists, or Tories, were both chagrined and alarmed at Dr. Rolph's appointment, but if they had not joined against me on my arrival, and if one of their party had not most inconsiderately forced upon me this increase of the council, neither Dr. Rolph nor even Mr. Robert Baldwin would ever have been appointed by me.

The following despatch will explain the ominous circumstances which attended these appointments.

No. 9.

Government-House, Toronto,
Feb. 22, 1836.

My Lord,

A few days after my arrival here I received a communication from the Executive Council, submitting to me the necessity of increasing their number, which, from being composed of three individuals, would (in case of the illness of any of the members) be unable to form a quorum. I was also informed by them, that as Mr. Peter Robinson, besides being Commissioner of Crown Lands, was also an Executive Councillor, he had the invidious duty imposed on him of auditing his own accounts.

This important subject, as I stated to your Lordship in my Despatch, No. 5, has occupied my attention for some time: for in so small a community as that of Toronto and its neighbourhood, to select

three individuals suited to the office was no easy task.

After making every inquiry in my power, I became of opinion, that Mr. Robert Baldwin, advocate, a gentleman already recommended to your Lordship by Sir John Colbourne for a seat in the Legislative Council, was the first individual I should select, being highly respected for his moral character, being moderate in his politics, and possessing the esteem and confidence of all parties.

Having come to this conclusion, I deemed it prudent to consult the Chief Justice, who is speaker of the Legislative Council; Mr. Bidwell, the speaker of the House of Assembly; and the members of the Executive Council; and as all these gentlemen unreservedly approved of his selection to the office,* I sent for Mr. R. Baldwin, and proposed to him to accept the same, with the addition of Mr. ——, who had already been recommended by my predecessor, and Dr. Rolph, who had also been recommended by Lord Goderich as Solicitor-General of this province.

I had several interviews with Mr. Baldwin, of many hours' duration; I allowed him to consult Mr. Bidwell, Dr. Rolph, and his other friends, on the subject; and the result of his deliberations was, his positively declining to take the office, unless I enabled

* They recommended him only as a middle-man.

him to carry with him the support of the House of Assembly, which he stated could not be effected unless I should consent *to dismiss the three existing councillors.*

With this demand I resolutely refused to comply, on the grounds that I had other interests besides those of the House of Assembly to consider; that the Commons already possessed its own legitimate power; that to impart to it in addition an exclusive influence in my Council would be unconstitutional and unjust; besides which, it would at once connect with party feelings the representative of His Majesty, who ought to stand unbiassed, and aloof from all such considerations.

Mr. Baldwin maintained his demands, and I accordingly parted with him, declaring that nothing should induce me to dismiss from the council three gentlemen who had given me no cause for complaint; that, if necessary, I would rather throw myself on the good sense of this country, as well as of the world, and abide the result, whatever it might be.

On Mr. R. Baldwin leaving me, I sent for his father, Dr. Baldwin, who, although rather more ultra in his theory of reform, is a gentleman of very large property, who is respected for his moral character, and who had also been recommended by my predecessor for a seat in the Legislative Council. On consulting with Dr. Baldwin, and on proposing to him that he, Dr. Rolph, and Mr. ——, should join the Executive

Council, he insisted on the same demands as Mr R. Baldwin, and we accordingly parted.

I felt so confident the terms required of me were unjust, and that to all reasonable men they would appear so, that I had fully determined on the course I would adopt. However, this alternative was rendered unnecessary, by an intimation I received that Mr. R. Baldwin felt disposed to reconsider my proposal; and accordingly, the following day, he called upon me to agree to join the council, without the dismissal of the three existing councillors.

I accordingly appointed an hour to receive Mr. R. Baldwin, Dr. Rolph, and Mr. ——, and in their presence I addressed the following note to Mr. Baldwin, a copy of which it was agreed should be given by him to Mr. —— and Dr. Rolph.

Government-House, Feb. 19, 1836,

Dear Sir,

I have great pleasure in learning that you, Dr. Rolph, and Mr. ——, accept the invitation I made to you, by joining the Executive Council.

The confidence I shall repose in you will be implicit; and as I have no preliminary conditions either to accede to, or require from you, I shall rely on your giving me your unbiassed opinion on all subjects *respecting which I may feel it advisable to require it.*

I remain, dear Sir,

Yours faithfully,

F. B. Head.

R. Baldwin, Esq.

After my interviews with these gentlemen, who were yesterday sworn into office, and gazetted, as "members of the Executive Council, until the King's pleasure be known," I sent for Mr. Bidwell, and asked him whether he conceived that the House of Assembly would feel satisfied with the addition I had made to the Executive Council.

Mr. Bidwell told me that he thought these appointments would give general satisfaction; that he was of opinion the House of Assembly had confidence in these gentlemen, as well as in myself, and that it would be his desire, as well as those, he believed, with whom he co-operated, to give me their assistance, and in no way to offer me any factious opposition. He observed, however, that there were *several grievances, which your Lordship's instructions to me had overlooked,* and that he expected these would shortly be brought before my attention.

I must add, that Mr. Bidwell's communications with me have been satisfactory, and that I have no cause whatever to complain of him, although I have not hesitated invariably to apprize him that with his political opinions I do not concur.

Having now informed your Lordship of the individuals I have added to the Executive Council, with the circumstances which have preceded their appointments (which, I trust, may be confirmed), it only remains for me to state, that although tranquillity in this province is, I now conceive, momentarily established,

I do not expect that the present House of Assembly will long discontinue their agitations.

It shall be my duty, however, to afford them no reasonable cause for complaint. To their addresses, as well as to their opinions, I will give every possible attention, and will afford them ready assistance to correct all real grievances; but I am so convinced that every improper concession will not only strengthen their demands, but weaken my influence in the province, that I shall continue to resist, as I have hitherto done, any demand that may at all tend to undermine the happy constitution of the province, as I believe that this policy will eventually secure to the Lieutenant-Governor of Upper Canada (whoever he may be) the confidence and the support of the community.

I have the honour to be,

My Lord,

Your Lordship's most obedient servant,

F. B. Head.

The Lord Glenelg, &c. &c. &c.

P.S. I submit to your Lordship copies of two addresses I received last week from the House of Assembly, with my answers, which explain the reasons for which I declined to comply with their requests.

Without troubling the reader with these two querulous addresses, my answers to them will sufficiently

explain that they were small clouds clearly indicating an approaching storm.

(COPY OF ANSWER, No. 1.)

" GENTLEMEN,

" I much regret that I cannot, without authority from the Secretary of State, comply with the request contained in your address.

" The numerous copies of despatches, &c., which accompanied my message to the House of Assembly, of the 15th instant, will, I trust, satisfy the House of my desire to lay before it as much of the correspondence between my predecessor and His Majesty's Government, as with any propriety I could be expected to divulge.

" I have already given to the House, according to its request, the names of individuals whose recommendation for seats in the Legislative Council has not yet even received the sanction of His Majesty's Government.

" The only part of His Excellency Sir John Colborne's despatch of the 16th September, 1835, which I have deliberately withheld, is that in which he confidentially expresses to His Majesty's Government his high estimation of the character of the individuals he proposes; and although in the particular case alluded to, no objection whatever exists to the publication of his opinions, yet I conceive it would establish a bad precedent, were I to consent to make

public, descriptions which must unavoidably always be personal, and which might occasionally be painful to the individuals, and consequently unjust towards them to disclose."

(COPY OF ANSWER, No. 2.)

" GENTLEMEN,

" It is with great reluctance I feel it necessary to state, that, without authority from the Secretary of State, I am unwilling to submit to the House of Assembly ' the documents and other evidence in the possession of the Government or its Officer, relative to the Huron reserve, or to the proceedings of the Government had thereon, as would enable the House to ascertain whether its interference on behalf of the Wyandot Indians is required.'

" My objections on this subject are those of policy rather than of law ; and without denying the constitutional right of either of the two Houses of the Legislature to inquire into any subject in which they may consider the public interests to be involved, I am of opinion that the disclosure of ' documents and evidence' alluded to would be attended with evil consequences to those whom it is intended to benefit, by rendering the Indians doubtful of the all-sufficient and paternal protection of His Majesty, on which they have hitherto solely relied.

" Without reverting to the anomalous history of the aborigines of this land, I will merely observe, that, in

Upper Canada, the Indians have hitherto been under the exclusive care of His Majesty, the territories they inhabit being tracts of Crown lands devoted to their sole use as '*His allies.*'

"Over these lands His Majesty has never exercised his paramount right, except at their request, and for their manifest advantage. Within their own communities, they have hitherto governed themselves by their own unwritten laws and customs; their lands and property have never been subject to tax or assessment, or themselves liable to personal service.

"As they are not subject to such liabilities, neither do they yet possess the political privileges of His Majesty's subjects generally.

"The superintendents, missionaries, schoolmasters and others, who reside among them for their protection and civilization, are appointed and paid by the King; to his representative all appeals have until now been made, and with him has all responsibility rested. In every respect they appear to be most constitutionally within the jurisdiction and prerogative of the Crown; and as I declare myself not only ready, but desirous to attend to any complaint they may offer me, I consider it would be highly impolitic (especially for the object of redressing a trifling grievance) to sanction the adoption of a new course for their internal government.

"To this general view of the subject, I have only to add, that as regards the particular memorial sub-

mitted to the House of Assembly, by Thomas Splitlog, Thomas Clerk, and *six* others, of the Huron or Wyandot nation, a counter-petition, signed by *eleven* individuals of similar tribe and rank, has been presented to the House of Assembly, stating, '*we have the fullest confidence in the justice and 'fatherly protection of our beloved Sovereign and 'his representative the Lieutenant-Governor.*"'

CHAPTER V.

The Prerogative of the Crown assailed by the Executive Council—The House of Assembly furiously join in the Attack—Remonstrance useless—They stop the Supplies—Insult me in a Petition to the King, and to the House of Commons—I appeal to His Majesty's Government for Support—Solemnly warn the Government of their Policy—Withhold Assent to the Money-Bills—Decline to grant the Contingencies, and dissolve the Assembly—Explain to His Majesty's Government why I cannot agree with the Commissioners of Inquiry, and tender my Resignation—Result of the Elections—Dr. Duncombe and Mr. Hume declare to Lord Melbourne that I have fabricated Votes—Earnest Recommendation to His Majesty's Government not to surrender the casual and territorial Revenues of the Crown.

THE reader is now about to enter upon the most violent, and certainly the most eventful, moral struggle that has ever taken place in our North American colonies; and as I have no hesitation in confessing, that, by retreating before the Republicans, the contest could have been avoided, I beg particular attention to the subject.

The subtle, persuasive eloquence of Dr. Rolph, whose treasonable principles were, by several intelligent people, justly estimated, induced many to believe that from the moment he became a member of my Executive Council I was lost. However, I entertained not the slightest apprehension on the subject, for so long as the Council afforded me constitutional advice, I knew I should be too thankful to

give it immediate consideration ; and, on the other hand, standing as I did (to say the least) totally without support from any party, I felt confident that if the Council should attempt to force upon me unconstitutional proposals, it would be out of their power to deprive me of that invincible moral power which always rushes to the vindication of a just cause.

With the members of the Council, however, Dr. Rolph, who I soon learned was the bosom friend and confidant of Mr. Speaker Bidwell, did not plead in vain.

Aware that in the House of Assembly there stood in array an irresistible majority in favour of the republican principle of making the Lieutenant-Governor's Executive or Privy Council "responsible to the people," the necessity of my making this concession appeared to be inevitable ; and calculating therefore that, situated as I was, I would not venture to refuse, they at last agreed together to address to me a written requisition to this effect.

When I received this unexpected document which was regularly signed by all the six members of the Council, I saw no reason to be alarmed at it. That I was sentenced to contend on the soil of America with Democracy, and that if I did not overpower it, it would overpower me, were solemn facts, which for some weeks had been perfectly evident to my mind ; but by far the most difficult problem I had to solve

was, *where* I ought to make my stand. To involve myself in a struggle with the House of Assembly, about any one trifling concession, would, I knew, have brought the Home Government down upon me with all its power; the province might also with some apparent reason have complained; and thus, bit by bit, and inch by inch, I felt I might be driven to abandon constitutional ground, which, once lost, could never be reclaimed. It was therefore, I repeat, with but little apprehension that I found my Council (who I knew would be immediately backed by the House of Assembly) had called upon me at once to surrender to a democratic principle of government, which I felt, so long as the British flag waved in America, could never be admitted. I accordingly declined to accede to the demands of my Council, who, taken quite aback by my refusal, were no sooner politely bowed out of my service, than I received from the House of Assembly the following address, to which I gave the reply which follows it:—

"*House of Assembly.*

"To His Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

"MAY IT PLEASE YOUR EXCELLENCY,

"We his Majesty's dutiful and loyal subjects, the Commons of Upper Canada in provincial Parliament assembled, humbly beg leave to inform your Excellency, that this

House, considering the appointment of a responsible Executive Council, to advise your Excellency on the affairs of the province, to be one of the most happy and wise features in the Constitution, and essential to the form of our government, and one of the strongest securities for a just and equitable administration, and eminently calculated to ensure the full enjoyment of our civil and religious rights and privileges, have lately learned, with no small degree of anxiety, that the Executive Council so recently formed for the purpose above stated (as we presume), consisting of six members, did, on Saturday the 12th instant, unanimously tender to your Excellency their resignations, and that your Excellency was pleased to accept the same; and humbly request your Excellency to inform this House, without delay, whether such are the facts, and also to communicate to this House full information relative to the cause of disagreement between your Excellency and your said late Executive Council, as far as lies in your Excellency's power to make known; as also to furnish this House with copies of all communications between your Excellency and your said late Council, or any of them, on the subject of such disagreement and subsequent tender of resignation."

(Signed) M. S. Bidwell, Speaker.

Commons' House of Assembly,

March 14*th,* 1836.

His Excellency's Reply.

"Gentlemen,

"Nothing can appear more reasonable to my mind than the surprise and anxiety which the House of Assembly express to me at the intelligence they have received of the sudden resignation of the six members of the Executive Council; for with both these feelings I was myself deeply

impressed, when firmly relying on the advice, assistance, and cordial co-operation of my Council, I unexpectedly received from them the embarrassing document which, with my reply thereto, I now, at the request of the House of Assembly, willingly present to you. With every desire to consult my Council, I was preparing for their consideration important remedial measures, which I conceived would be advisable to adopt; and had they but afforded me those few moments for reflection, which, from my sudden arrival among you, I fancied I might fairly have claimed as my due, the question, which so unnecessarily they have agitated, would have proved practically useless.

"Had they chosen to have verbally submitted to me in Council, that the responsibility, and consequently the power and patronage of the Lieutenant-Governor ought henceforward to be transferred from him to them—had they even, in the usual form of a written petition, recommended to my attention as a new theory, that the Council, instead of the Governor, was to be responsible to the people—I should have raised no objection whatever to the proceeding, however in opinion I might have opposed it; but when they simultaneously declared, not that such ought to be, but that such actually WAS the law of the land, and concluded their statement by praying that a Council sworn in secrecy to assist me might be permitted, in case I disapproved of their opinion, to communicate with the public, I felt it my duty, calmly, and with due courtesy, to inform them, that they could not retain such principles together with my confidence, and to this opinion I continue steadfastly to adhere.

"I feel confident that the House of Assembly will be sensible that the power intrusted to me by our Gracious Sovereign is a subject of painful anxiety;—that from the

patronage of this province I can derive no advantage; and that I can have no object in retaining undivided responsibility, except that which proceeds from a just desire to be constitutionally answerable to his Majesty in case I should neglect the interests of his subjects in this province. With these sentiments I transmit to the House of Assembly the documents they have requested, feeling confident that I can give them no surer proof of my desire to preserve *their* privileges inviolate, than by proving to them that I am equally determined to maintain the rights and prerogatives *of the Crown,* one of the most prominent of which is, that which I have just assnmed, of naming those Councillors in whom I conscientiously believe I can confide.

" For *their* acts I deliberately declare myself responsible; but they are not responsible for *mine,* and cannot be, because, being sworn to silence, they are deprived by this fact, as well as by the Constitution, of all power to defend themselves."

The foregoing documents I forwarded to the Colonial Office with the following despatch.

No. 15.

Toronto, March 22nd, 1836.

My Lord,

I have the honour to inform your Lordship that on Saturday, 12th instant, the six members of the Executive Council suddenly and simultaneously resigned—that a majority of twenty-seven against twenty-one of the House of Assembly very resolutely espoused their cause—that all business in the House was sus-

pended until my answer to their address was received—that a public meeting has been called on the subject, at Toronto—that similar meetings will probably take place throughout the country—and that the whole province is, and for a short time will be, in a state of very great excitement.

All this will, I firmly believe, be productive of the most beneficial political results, and I now proceed to submit to your Lordship a plain statement of the whole affair.

In my despatch No. 9, I stated to your Lordship that almost immediately after my arrival here, the old Executive Council represented to me the necessity of increasing the number which was not only barely sufficient to form a quorum, and, consequently, in case of the illness of any one member would be powerless, but that the Commissioner of Crown Lands, from being one of the members, was obliged to audit his own accounts.

In my despatch alluded to, which I beg your Lordship will be pleased to re-peruse, I detailed the difficulty I had had in adding three new members to the Council, and the attempt which had been made to insist on my forcing the unpopular old members to retire.

As soon as this addition to the Council was gazetted, which happened less than a month ago, a universal joy and satisfaction was expressed by the radical party, and I received addresses from various

places, expressing in very strong terms approbation of the addition I had made to the Council, and praying that the old members might be dismissed.

In receiving these addresses I could not but remark, that not only were many of them expressed in exactly the same terms, as if written by one person, but that several were presented to me by the same two members of the Assembly ; and from other ominous circumstances I became fully convinced that an attempt somewhere or other was making to promulgate an error which has long been artfully inculcated in this province—namely. that the Executive Council were responsible to the people for the acts of the Lieutenant Governor.

The object of this smooth-faced, insidious doctrine was at first to obtain for the Council merely *responsibility*, and, when that point was conceded, immediately to demand from the Crown the power and patronage which has hitherto been invested in the Lieutenant-Governor.

As the addresses proceeded from places of no importance, I replied to the personal congratulations on my arrival, with which they commenced, without taking any notice at all of the objectionable clauses, at the same time I was perfectly alive to the very great danger that was brooding ; and expecting that it would sooner or later be brought before my notice by an address from the House of Assembly, I determined that, the moment it assumed a tangible form, I would at once stand against it.

While I was in this suspense, the attack was made upon me from a quarter from which I certainly did not expect it; namely, from the Executive Council itself, which, in a document signed by them all, declared that the popular doctrine was the law of the land, that the old practice had been unconstitutional; and that in case I was of a different opinion, my council, sworn to secrecy, humbly prayed that it might be permitted to communicate with the people.

I need hardly observe, that by this address the old, unpopular Councillors* at once impeached the conduct and practice of their whole lives. However, on the receipt of the document, I immediately informed the Council that they could not retain such principles and my confidence, and that they must consequently abandon either the one or the other.

This reply was what they did not expect; for the new members, elated by the success of the intrigues which had been adopted, had fancied themselves to be so strongly supported by the people, that they did not conceive I would venture to do anything but accede to their threat.

As soon as the Council received my reply, four of the members, namely, ...
at once surrendered at discretion, offering to recant all they had written, and assuring me they had since the receipt of my answer again changed their minds:

* The Honourable Colonel Wells is the only surviving member of these old councillors—a more loyal man does not exist in Upper Canada; so indeed was the late Honourable P. Robinson.

however, the other two held out; and I, therefore, declared that the document by which I had been attacked could only be cancelled by the same Council from which it had proceeded, and that unless it was retracted as formally as it had been made, I must adhere to the reply I had given to it.

I had two reasons for maintaining this course: first, because had I dismissed only the two popular candidates without explaining the cause, I should have incurred the greatest unpopularity, and should have been hampered by the continuance in office of the other four: secondly, because, for the reasons above stated, being persuaded that sooner or later it would be necessary I should stand against a doctrine which was rapidly tending to upset the prerogative of the Crown, I deemed it advisable to do so before it got too strong for me, particularly as I never could hope to attain a more advantageous position for the contest than that afforded me by the ill-written document of my own Council.

Having now very briefly explained the outline of the affair, I beg to refer your Lordship to the four following printed papers which will fully explain it in detail.

1. A copy of the address I received from the House of Assembly.

2. My reply thereto, enclosing,

3. The communication I had received from the Executive Council, and

4. My reply thereto.

Having submitted to your Lordship the foregoing documents, I beg leave to repeat, as my humble opinion, that the greatest possible benefit will be derived from the dispute I am having with this province: for if truth be invincible, it will follow that the effort which is making to oppose me must eventually be discomfited, and among the description of people which I have to deal with such a result will be highly important.

On the other hand, should I be defeated, I trust your Lordship will never regret that I did not hesitate to maintain the rights and prerogatives of the Crown.

I also enclose herewith to your Lordship, an address I have received from the mayor, aldermen, and commonalty of the City of Toronto, with my reply thereto.

I have the honour to be,

My Lord,

Your Lordship's obedient servant,

F. B. HEAD.

The Lord Glenelg, &c. &c. &c.

As soon as the Constitutionists were convinced by the principles I was maintaining, that notwithstanding Mr. Hume's pestilential letter of recommendation in favour of Mr. M'Kenzie (who had openly boasted of it), and notwithstanding the suspicious appointment of Dr. Rolph to my Council,

I was not, as had been generally supposed, a democrat, they most loyally, one and all, joined me to a man. Moral war was thus (as it long ago ought to have been by his Majesty's Government) openly proclaimed between the Constitutionists and the Republicans; or, in other words, between those who were for British institutions, against those who were for soiling the empire by the introduction of democracy; and I need hardly add, that the approaching struggle was most anxiously looked upon by the other North American Colonies as one on which their own political destinies depended.

I was, of course, too much occupied to be able to write to the Colonial Office at very great length: however, on the 6th of April, 1836, I forwarded a despatch which, commencing with detailing events which having already been submitted to the reader, it would be tedious to recapitulate, proceeded as follows:—

EXTRACT.

Many of the addresses I received on this subject had evidently proceeded from the same pen, and had the influence, which was thus exerted, continued to be secret, it might shortly have produced such powerful effects, that I might have found it almost impossible to have opposed it; but, very fortunately, the power exerted against me was too eager for its object, and the battery was unmasked before the enemy was sufficiently organized to man it.

My Executive Councillors themselves suddenly claimed the responsibility which had hitherto rested with the Lieutenant-Governor; and on my requiring them to resign, an excitement suddenly burst forth in the House of Assembly beyond all description.

The republican party fancying that their object was attained, and that I was caught in the net which had been so insidiously drawn around me, were exasperated at seeing me suddenly extricate myself from it, and the House addressing me on the subject, instantly suspended all business until it had received my reply.

The whole correspondence on the subject, some of which has already been forwarded to your Lordship, I here annex in a printed form: it contains—

"1. The address of the House of Assembly.

"2. My reply thereto.

"3. The communication addressed to me by the Executive Council.

"4. My reply thereto.

"5. An address from the mayor and common council of the City of Toronto.

"6. My reply.

"7. An address, signed by the mayor, from a public meeting held in the city hall.

"8. My reply.

"9. An address from the House of Assembly.

"10. My reply."

I trust that the tone of my answers to the above

communications will sufficiently prove to your Lordship how desirous I was to offer all possible explanation, and to do everything in my power to govern, and to be governed, by truth and reason.

At the time I conducted this correspondence, I was perfectly sensible that I was friendless; for the republican party had proved themselves to be implacable, and the constitutional party I had refused to join: however, seeing that the moment had now arrived for resolutely assuming my position, I awaited the result of the conflict with a perfect confidence, solely proceeding from the justice of my cause.

The success of these measures has, I can faithfully assure your Lordship, equalled my most sanguine expectations.

Every newspaper in the Upper as well as in the Lower Province, excepting Mr. M'Kenzie's *Advocate* and one other, has in the most unequivocal terms supported me in the doctrine I have maintained; the constitutional party have joined me to a man, and in the numerous addresses I have received are the names of many influential individuals who have hitherto been opposing the Government. Indeed, I can truly declare, that the intelligent classes of every denomination are rallying around me in a manner which fully corroborates the statement I first made to you on arriving in this province, namely, "that all that is good and estimable remains at the bottom, while the surface is agitated by factious discussions."

A very striking example of this fact occurred on Saturday last.

As soon as the late Executive Council resigned, Mr. M'Kenzie and his party, at an immense expense, forwarded to every part of the province printed copies of the annexed circular, almost all of which were franked by members of the Assembly. This document, as your Lordship will observe, ended by a printed petition to the House of Assembly, which only required the insertion of the name of the township and of the subscribers.

As soon as this firebrand was supposed to have caused sufficient excitement, the four members of the Metropolitan County of York, namely,* Mr. M'Kenzie, Dr. Morrison, Mr. Gibson and Mr. M'Intosh, issued another notice (which I also annex) dated "House of Assembly," and calling a public meeting to be held ten miles from Toronto on Saturday last.

As this country has been supposed to be under the complete influence of Mr. M'Kenzie, and its other members, it was agreed upon by the constitutional party, that, as they might be overpowered by numbers, they would not attend, and accordingly it was expected that the Radicals would completely carry the day: however, the reply I had written to the

* Of these four individuals, three have since either been tried for treason, or have absconded.

industrious classes of Toronto had been much read, and accordingly, when the meeting assembled on Saturday an unexpected result took place.

Mr. M'Kenzie totally failed in gaining attention; another member, Dr. Morrison, who is mayor of Toronto, was collared and severely shaken, and the whole affair was so completely stifled by the indignation of the people, that the meeting was dissolved without the passing of a single resolution.

Mr. M'Kenzie and his party afterwards assembled, and then went through the form of carrying their ready-concocted resolutions.

The effect which this unexpected defeat will produce throughout the province will, I am perfectly convinced, eventually break up the radical faction; and as soon as I have an opportunity of visiting, as I propose to do if I remain here, every county in this province, and of meeting and conversing with the inhabitants, I feel quite confident that a burst of loyalty will resound from one end of the province to the other, for a more honest, well-meaning yeomanry and peasantry cannot exist than his Majesty's subjects in this noble province.

It is out of my power to describe to your Lordship, without the appearance of exaggeration, the joy and gladness expressed to me by all parties at the constitutional resistance I have made; but I will not conceal from your Lordship that there is one question in almost everybody's mouth, namely, "*Will the*

Lieutenant-Governor be supported by the Home Government?" "HE NEVER WILL!" say the Radicals; "*We fear he will not!*" say the Constitutionists.

Your Lordship has to settle this question, and in my humble opinion upon your decision rests our possession of the Canadas.

I have the honour to be,
My Lord,
Your Lordship's most obedient servant,
F. B. HEAD.

The Lord Glenelg, &c. &c. &c.

The war which raged against the Executive Government of Upper Canada, in the House of Assembly, could only be explained by a publication of the violent speeches of the Republicans, which are much too long to be here inserted. Suffice it to say, that the republican majority adopted an address to the King, signed *Marshall S. Bidwell, Speaker,* in which his late Majesty's attention was called to a report which the House of Assembly had adopted, in which it was declared that my "ear was credulous," my "mind poisoned," my "feelings bitter"—that I was "despotic, tyrannical, unjust, deceitful," that my conduct had been "derogatory to the honour of the King," "demoralizing to the community," and that I had treated the people of the province as being "little better than a country of rogues and fools." Not satisfied with this attack upon my character, the

House adopted a long memorial to the House of Commons, signed *Marshall S. Bidwell, Speaker,* in which not only was the same offensive report submitted, but it was further stated in the memorial as follows:—

"It is with pain, disappointment, and humiliation we notice the reiterated declaration of his Excellency to conduct our affairs without the advice of the Executive Council according to his own will and pleasure, which his public acts have already proved to be arbitrary and vindictive. And this view of his sole ministerial power and authority, with a nominal responsibility to Downing-street, he has sustained before the public by mis-statements and misrepresentations so palpably opposed to candour and truth, as to destroy all hopes of further justice from his government . . . . . For other instances of his deviation from candour and truth, &c., we refer to the appended documents.

(Signed) "*Marshall S. Bidwell,* Speaker."

As this Mr. Bidwell was the well-known leader of his party, as he was generally supposed to have been the framer of the address against me to the King, and as he was at all events the official organ of a House of Assembly which had heaped upon me such unparalleled abuse, the reader will hereafter learn with no little surprise, that his Majesty's Government, instead of supporting me by openly resenting his

conduct, desired that he should be publicly exalted to the Judicial Bench, by me, whose station of representative of the King he had so grossly insulted. But as this will form the subject of a distant chapter, I will at once regularly proceed with my narrative by stating, that on the Assembly stopping the supplies, I withheld my assent from all their money bills, and even from their own contingencies, on the principle that as nothing but a storm of agitation could now settle the weather, it would be useless to attempt to suppress it. In the following despatch, I will, however, request the reader's especial attention to and recollection of the solemn warning it contains.

No. 26.

Toronto, 21*st April,* 1836.

My Lord,

I have the honour to transmit to your Lordship two addresses from the House of Assembly to his Majesty, as also a copy of one to the House of Commons, reprobating in unusual language my conduct as Lieutenant-Governor of this province. I have also to inform your Lordship, that the House of Assembly have deemed it their duty to stop the supplies—that, in consequence of this proceeding, I have reserved all their money bills for the consideration of his Majesty;

and that I have declined to grant their contingencies. I also inclose to your Lordship a copy of my speech on proroguing the Provincial Legislature.

Under these circumstances, I feel it incumbent to submit to your Lordship a plain statement of the whole affair.

In my despatch No. 3, to your Lordship, dated 5th February, I stated as follows :—

"As far as I have been able to judge, I should say that the republican party are implacable, that no concession whatever would satisfy them, their self-interested object being to possess themselves of the government of this province, for the sake of lucre and emolument."

In my despatch, No. 9, dated 22nd February, I stated to your Lordship as follows :—

"Having now informed your Lordship of the individuals I have added to the Executive Council, with the circumstances which have preceded their appointments (which I trust may be confirmed), it only remains for me to state that although tranquillity in this province is, I conceive, now momentarily established, I do not expect that the present House of Assembly will long discontinue their agitations.

"It shall be my duty, however, to afford them no reasonable cause for complaint. To their addresses, as well as their opinions, I shall give every possible attention, and will afford them every assistance to correct all real grievances; but I am so convinced that every improper concession will not only strengthen their demands, but weaken my influence in the province, that I shall continue to resist, as I

have hitherto done, any demand that may at all tend to undermine the happy constitution of the province, as I believe that this policy will eventually secure to the Lieutenant Governor of Upper Canada (whoever he may be) the confidence and support of the community."

To the foregoing opinions, expressed to your Lordship, I firmly continue to adhere, and refer to them for the object of proving that the political state of this province requires no deep experience, but that its moral was evident to me before I had been a month in this capital.

The speech I yesterday delivered on proroguing the Provincial Legislature will sufficiently explain the attempts I have in vain made to carry into effect the remedial measures with which I was intrusted. I will, therefore, only shortly observe, that the Grievance Report remains *unopened*—that not one of the remedies your Lordship prescribed has been carried into effect; that, in fact, this Grievance Report was nothing but a revolutionary *ignis fatuus*, purposely created to deceive the British Government, and that, as I stated in my despatch, No. 24, dated 6th April, "far from desiring to remove these grievances, the republican members deem them the fulcrum for subverting the government, and for destroying the constitutional liberties of the province."

The decided measures which your Lordship took promptly to correct the alleged grievances which were brought before you have had the happy effect of break-

ing up the faction which, from want of firmness, has long been undermining the constitution of this province. Its enemies are now unmasked, disarmed, and discomfited, and the inhabitants of this country are now indignantly exclaiming, as Cromwell said, " *You who are deputed here by the people, to get their grievances redressed, are yourselves become their greatest grievance!*"

If the sentiments contained in these petitions from the House of Assembly were really the sentiments of their constituents, this province might justly be said to be in a state of revolt; whereas the fact is, as I stated it to your Lordship in my despatch No. 24, " that a burst of loyalty will very shortly resound from one end of the province to the other, as a more honest, well-meaning yeomanry cannot exist than his Majesty's subjects in this noble province;" and for a proof of this assertion, I refer your Lordship to the enclosed addresses I have already received.

Your Lordship cannot but remark, that, for the first time in the history of this province, the supplies have been stopped—that the whole country has thus been thrown into confusion, and that the period selected for this violence has been my arrival with your Lordship's instructions to correct all the grievances of the country! Had the object of those who have styled themselves Reformers been *reform*, your Lordship's instructions would have been hailed with joy; instead of which they have been repudiated by the Republicans, as the enemy of their hopes.

The case is fortunately so clear, that no one even in England can now fail to understand it.

"*Why*," it will be asked, "*have the supplies in Upper Canada been stopped?*" The answer is, because the complaints of the Republicans were ordered to be corrected; and being thus driven off their grievance-ground, they were forced by your Lordship to unveil their real object, which has been neither more nor less than to seize upon the power and patronage of the Crown!

"*And how*," it will be asked, "*have they attempted to do this?*" I reply, by demanding that the Executive Council be henceforward responsible to the people; or, in other words, to themselves, for the acts of the Lieutenant-Governor.

"*And is this all?*" No; they further demand that the Legislative Council shall be elective; or, in other words, that it also shall be nominated by themselves: and if this does not betray their real object—if this does not prove to people in England the traitorous, democratic intentions of the half-dozen Republicans who have been allowed to agitate this noble province—facts are useless, and argument powerless!

If the duties of the Lieutenant-Governor of this province merely consisted in his being one branch out of three of the Colonial Legislature, even in that case there could be no more reason why HE should be *governed* by an Executive Council, than that such a body should be created to govern the House of Assembly or the Legislative Council; but, besides the

Lieutenant-Governor's station in the Provincial Legisture, he has to guard the lands and property of the Crown: in short, he is the only individual in this colony competent to consider the interests of the British Empire, of which this colony is but an atom.

The Executive Council are his Privy Council, to give him sworn advice when he wants it, and not to "encumber him with help" when he does not require it.

If I had been governed by my late Council, the constitution of this province would at this moment be subverted, for it will be evident to your Lordship that the unanimous demand they made upon me was contrary to law.

This doctrine was, in 1828, clearly explained by Mr. (now Lord) Stanley, who, in reply to Mr. Roebuck's motion, "That a select committee be appointed to inquire into the political state of the Canadas," declared as follows:—

"The first point to which the Honourable Member referred, was, the constitution of the Executive Council. It may, perhaps, be necessary for me to inform the House that the Executive Council is a body acting in the nature of the Privy Council in this country—advising the governor, but not responsible to him, and forming a council against whose opinion, as well as with it, he may act."

My Lord, I most solemnly declare, as my deliberate opinion, that if this doctrine be ever subverted,

democracy, in the worst possible form, will prevail in our Colonies *. The two branches of the Legislature have their respective interests to attend to, which too often are made subservient to their private views; but THE LIEUTENANT-GOVERNOR IS THE KING'S SENTINEL, and if he be disarmed of the power he has received from the Imperial Parliament, and be fettered by his Provincial Council, the Republicans will move heaven and earth to become the individuals to govern him.

If the power of the Lieutenant-Governor is to be surrendered, I respectfully recommend *that the deed be done in broad daylight:* for, to hamper him by the number of his councillors, or to oblige him to consult them when he does not need their advice, would most surely produce the same effect in a weak, discreditable manner.

As the subject is of vast importance, and *as I believe our colonial possessions now hang upon your Lordship's decision,* I will proceed to shew with what artifice the Republicans of the House of Assembly of this province have, in their petition against me, endeavoured to attain this object.

* * * * *

But the Republicans in the House of Assembly

* The reader is particularly requested to keep in mind these solemn warnings, as he will, ere long, read with astonishment the orders given by Her Majesty's Government respecting them to Sir Archibald Campbell, Lieutenant-Governor of New Brunswick.

were unable to answer the correspondence which I had held with my late Executive Council, and, feeling that they were dead beaten, they caught at this straw, and petitioned the House of Commons, which of course they knew were perfectly ignorant of the whole subject, against what they have termed my "deviation from candour and truth."

But it is perhaps well they should have done so, as it will explain to the House of Commons, as well as to your Lordship, what sort of people the revolutionists of Upper Canada are, and will prove the absolute necessity of not ordering the Lieutenant-Governor to be governed by his Executive Council, which might be composed of such men. In this event, what would become of the property of the Crown?—What would become of the rights of the people?

I have now submitted to your Lordship facts which are incontrovertible, and have replied to the accusations which have been made against me by the House of Assembly, by merely contrasting them with their own declarations.

I must now proceed alone upon my own testimony, to which I trust your Lordship will give that weight which is due to the station I hold.

I have stated to your Lordship that the instructions you gave me to correct the grievances of this country have had the effect of breaking to pieces the republican party. The loyal feeling which is now rising

up to support me in all directions is greater than I dare describe; as a single proof of which, I will inform you, that a scene took place on my proroguing the Provincial Legislature which is unprecedented in the history of this country.

Although Toronto is, and always has been, the head-quarters of the reformers, and though this capital will suffer more than any other part of the province by the stoppage of the supplies, yet never before was the Parliament House so crowded, inside and out, as when I went there to deliver my speech.

As soon as it was ended, contrary to all custom, a burst of acclamation resounded—cheers were several times repeated, and a crowd of the most respectable people, of all parties, actually endeavoured to take the horses from my carriage to draw me up to Government House.

On the speech being read again by the Speaker in the House of Assembly, the gallery and floor was equally crowded, and, as soon as Mr. Speaker Bidwell had concluded, three cheers were given in the House, although *never before* had such a demonstration of public feeling been evinced.

I am perfectly confident that the whole country is disposed to rise up to support me, and I can assure your Lordship that I foresee no difficulty whatever in crushing the republican party, and in establishing loyalty, except a general fear which prevails through-

out the country that the *Home Government will be afraid to support me.*

I tell your Lordship the truth, for it is proper you should know that the reception which was given in England to Mr. M'Kenzie has had the effect of cowing the loyalists and of giving a false courage to the republicans.

One word of firmness from the British Government will now settle the question for ever; but if you hesitate to support me; *if in your Lordship's reply to this despatch you encourage by a single word the republicans, they will instantly be reanimated, and will again utter their old cry against the* "WEAK AND TREMBLING GOVERNMENT OF GREAT BRITAIN."

That they have mistaken British generosity for fear no one is more persuaded than myself, but I earnestly entreat your Lordship to put confidence in me, for I pledge my character to the result; I solemnly declare to your Lordship that I have no difficulties to contend with *here* that I have not already overcome; the game is won; the battle is gained as far as relates to this country, and I cannot give your Lordship a more practical proof of it than by saying I want no assistance *excepting the negative advantage of not being undermined at home.*

I am not myself in the least afraid of your Lordship's shrinking from supporting me, but if you knew the feeling of this country you would pardon my telling you that the loyalists are incapable of

understanding the generous, liberal policy under which the Home Government has intended to act, and *that the republicans firmly look to it for support.*

In the present House of Assembly, which is composed of 60 members, five of whom only are English, five Irish, and nine Scotch, there are thirteen American members, many of whom have not only a distaste for monarchical government, and are avowed advocates for the election of magistrates, legislative councillors, &c. &c., but who are desirous to upset the constitution of this province for the sake of reigning in its stead [for which see their incorrect accusations against me.]

Many of these individuals attained their places by the encouragement which was given to Mr. M'Kenzie in England; and, now that I have succeeded in turning the tide, they will, I hope, sink for ever, and be replaced by intelligent, loyal British subjects, *if your Lordship will firmly support me.*

Whether I may continue here, or be replaced, is a subject I will not now discuss; but as long as I do remain here, and just at the present moment, it is of vital importance that I should retain the victory which has been won.

Upon Upper Canada, I conceive, hangs our possession of our North American, and possibly of our West Indian possessions: for, if this colony be firmly secured, not only will the rest be maintained, but I believe every intelligent individual in the United

States foresees that democracy must ere long produce, by a revolution in that country, the identical form of government (I mean a monarchy) which it is endeavouring to overturn in this province.

Your Lordship is aware I have had some experience in ascertaining the opinions of the lower classes in the mother-country, and I have no hesitation in declaring that in no part of Great Britain does there exist so loyal a disposition as will be displayed in this province, *if we will only act towards it with firmness and decision.*

I shall never regret the generous policy which attempted to produce here tranquillity by conciliation, for I at present owe to it my success; but my speech to the Legislature will prove to your Lordship that we can carry that policy no further—that to Republicans the more we concede the more they demand—that, while they are pushing at the constitution, every inch of ground they gain redoubles their exertions—and that, on the contrary, if resistance be sternly offered to them they give up the attempt and run away.*

I fully expect that before a month has elapsed the country will petition me to dissolve the present House of Assembly, but until the feeling is quite ripe I shall not attend to it: I would therefore request your Lordship to send me no orders on the

* I beg the reader to determine whether or not this prophecy has been fulfilled?

subject, but to allow me to let the thing work by itself; for it now requires no argument, as the stoppage of the supplies, of the road money, and all other money bills, will soon speak for themselves in a provincial dialect which every body will understand.

The language contained in the 92 Resolutions from Lower Canada, as well as in the resolutions they have lately forwarded to the Government; the language contained in the Grievance Report of this province, in the petitions now forwarded by the House of Assembly of Upper Canada against me, and in Mr. Speaker Papineau's letter to Mr. Speaker Bidwell, are in my humble judgment subversive of all discipline, and totally irreconcilable with the allegiance due from its colonies to the British Empire.

I feel quite confident that if such language be received by his Majesty's Government without a stern rebuke it will be aggravated; and I therefore earnestly express my hope that your Lordship will deem it proper *to reprobate the reception which I, as the bearer of your remedial measures, have met with by the House of Assembly, and that you will by your expressions firmly support me in the course I have pursued.*

I have, &c.

F. B. Head.

The Lord Glenelg, &c. &c. &c.

The reader will soon perceive that, instead of supporting me in the course I had pursued, and instead of reprobating the author of the 92 Resolutions in Lower Canada, and the conduct of Mr. Speaker Bidwell in the Upper Province, his Majesty's Government, after the receipt of this despatch, obtained the royal assent to the Road Bills I had *reserved*, thus restoring to Radical Road Commissioners the disposition of road money which had notoriously been misapplied to the basest political purposes!

Not satisfied with this, his Majesty's Government communicated to me their desire that Mr. Bidwell, like the author of the 92 Resolutions in Lower Canada, should be exalted to the Judicial Bench, notwithstanding the recommendations contained in the three following despatches!

No. 28.

1. *Toronto, 27th April,* 1836.

My Lord,

I have the honour to transmit to you a copy of a letter which Mr. Papineau, Speaker of the Assembly of the Lower Province, has addressed to Mr. Bidwell, Speaker of the House of Assembly of Upper Canada.

I conceive that the traitorous and revolutionary language it contains, as well as the terms in which it speaks of your Lordship, need no comment; but I will only observe, that although the letter is dated

20th of March, it was detained by Mr. Bidwell until a few hours before I prorogued the Legislature, and then by him laid before the House of Assembly of this province.

I take this opportunity of mentioning to your Lordship that the House of Assembly lately appointed three Commissioners to meet Mr. Papineau and the other two Commissioners from the Lower Province, and that the individuals named for this unconstitutional object were Mr. Speaker Bidwell, Mr. Perry, the chairman of the committee to whom was referred my correspondence with the Executive Council (a gentleman who has lately uttered most violent language against me as well as against the British Government), and Mr. . . . . .

No. 29.

2. *Toronto, April 28th,* 1836.

My Lord,

I have the honour to enclose to your Lordship a copy of the minutes of the Executive Council, by which it will appear that, in withholding assent to the money bills, and in declining to grant the contingencies of the House of Assembly, I acted with the advice of my Council.

One of my reasons for not granting the contingencies was, the knowledge that a large sum would be granted out of them, by the Assembly, to send an

agent to England, which I have good reason for knowing they had determined to do.

I have just learned that Mr. Robert Baldwin, one of the Executive Council, leaves Toronto this day for London. It is stated that he goes there for the recovery of his health; but it is acknowledged by his party, that he will be prepared to answer any questions which the Government may feel disposed to put to him.

The system of sending agents from the British North American Colonies, and their being received by the Government, is one which I feel confident your Lordship will discountenance.*

The House of Assembly, or the Legislative Council, or the Executive Council, or any individual in the colony, have a constitutional mode of making accusations against the Governor, to which accusations he has also a constitutional opportunity to reply.

Should this not be deemed sufficient, and should the novel course of receiving agents be adopted, then I submit that, in common justice, the party complaining should appoint one agent, and the party complained of another, but that one should not be heard without the other: the inconvenience of such a system must be so apparent, that I feel confident your Lordship will not approve of it.

* In this almost single instance my recommendation was most strictly complied with.

The mere fact of its being supposed that the revolutionary party have an agent at home, who is successfully undermining the character of the Lieutenant-Governor, will give great importance in this country to Mr. Baldwin's residence in London; and I therefore hope that, should he, directly or indirectly, communicate with the Colonial Office, your Lordship will give him that style of answer, a copy of which, transmitted to me, and published in this country, would at once put an end to that sort of left-handed attacks upon the constitution.

I have the honour to be,
My Lord, &c.
F. B. Head.

The Lord Glenelg, &c. &c. &c.

No. 38.

3. *Toronto, May* 19*th*, 1836.

My Lord,

I have the honour to transmit to your Lordship an address which was this morning presented to me by a deputation from the electors of this city, with my answer thereto.

I would direct your Lordship's attention to the fact, that, at the last general election for the city, the total number of votes that were polled amounted to 512, and that to the present address there are attached no less than 461 signatures.

I have also the honour to transmit an address from

the electors of the county of Lennox, of which Mr. Speaker Bidwell and Mr. Perry (the chairman of the committee, who drew up the report on the correspondence with my late Executive Council) are at present the members. It will explain to your Lordship the reaction which is taking place in this province.

I may also observe, that I have this evening received official information, that 1200 electors of the Gore district are coming down in a body to Toronto to present to me, in person, an address, strongly supporting me in the measures I have adopted.

I have the honour to be,

My Lord,

Your Lordship's most obedient servant

F. B. Head.

The Lord Glenelg, &c. &c. &c.

No. 40.

Toronto, May 28th, 1836.

My Lord,

I have the honour to transmit to your Lordship a copy of a Gazette Extraordinary, by which it will appear that I this day dissolved the Provincial Parliament.

The new elections will be concluded on 27th June.

The number of signatures attached to the loyal addresses which I have received already amount to 24,100; many others are on their way.

(Private.) *Toronto, May 28th*, 1836.

My Lord,

My official communication of this day's date will inform your Lordship that I have this day dissolved the Provincial Parliament.

Of course a most violent contest will take place, and I need hardly observe that it is one upon which our possession of the Canadas may almost be said to depend.

Sensible as I am of its importance, I feel calm and tranquil as regards its result.

In South America, truth and justice carried me through difficulties even greater than those I have now to contend with, and I have the firmest reliance they will again be triumphant.

I enclose to your Lordship a printed copy of an answer I this day gave to one of the numerous addresses.

In all my other answers I have been cool and calm; but in this I have made an exception, because I have long determined to notice that letter which Papineau addressed to Mr. Speaker Bidwell.

The fact is, Papineau as well as Bidwell, and all their party, have long endeavoured to inculcate the idea, that the whole of the population of the Canadas are "united, to a man"—that they only tolerate the British Government, and that, consequently, they can throw it off when they please.

Now, I think it highly necessary that this artful

spell should be broken—that the truth should be proved, and I have therefore done so effectually.

I am quite sure that my answer * will do Papineau the greatest possible injury; for it will prove his theory to have been false. It will re-animate the loyalists; and as our militia regiments all assemble for a few days on the 4th of June, the appeal will stir them up, and turn their votes in the right direction.

I am aware that the answer may be cavilled at in Downing-street, for I know it is not exactly according to Hoyle. *Mais, mon seigneur, croyez-vous donc qu'on fasse des révolutions avec de l'eau de rose?* It is impossible to put down republicanism by soft words.

I have only one moment, as the mail is starting.

I remain,

Your Lordship's faithful and obedient servant,

F. B. Head

The Lord Glenelg, &c. &c. &c.

The reader will have observed the heavy difficulties I had to contend with, not only in Upper Canada, but in England. The following despatch will moreover explain that, although I was privately on amicable terms with the Commissioners of Inquiry in Lower Canada, yet that I found it so utterly impossible to

* "Let them come if they dare!"

subscribe to the policy they were ordered to pursue, that I respectfully tendered to her Majesty's Government my resignation.

" *Toronto, June* 1*st*, 1836.

My Lord,

I have received from Lord Gosford and the Commissioners of Inquiry, a copy of their reports to your Lordship on the Executive Council, and I have had an interview with Sir George Gipps, who was here two days ago, on his way to Niagara.

It may have appeared strange to your Lordship that, during the short time that has elapsed since my arrival here, I should have twice respectfully tendered to your Lordship my resignation of the station I hold.

The ostensible reason which I gave for so serious a proposal was, that my income and rank were inadequate, as I still declare them to be, to the duties I had to perform; but having read the Commissioners' Report, and having conversed with Sir George Gipps, of whose talents and probity I am deeply sensible, I have resolved to hesitate no longer to confess to your Lordship, that I do not agree in opinion with the Commissioners of Inquiry; and that I have long felt I should eventually embarrass them by remaining in this country. I should not do justice to myself, or act frankly towards your Lordship, the Governor-General, or Commissioners, were I any longer to conceal that, as regards their policy, I have not an idea in common with them.

The very first act of my administration was a deliberate departure from the course they adopted. I perfectly well knew, and I stated it to your Lordship, that by not giving to the legislature of this province the Commissioners' version of their instructions, I should seriously embarrass them: at the same time I could not make up my mind to conceal the truth, and I therefore promulgated the instructions themselves, *in puris naturalibus*, although I was sensible it might cause my recall.

In the Commissioners' Report respecting the Executive Council, they build their recommendations on the foundation, "that the weightiest accountability which can attach to any man, in matters of a public nature, for which he is not punishable by law, or by loss of office, is accountability to *public opinion*."

To this doctrine I have never been able to subscribe; on the contrary, I have always considered that every man in office should make public opinion follow *him*, and never attempt to follow *it*.

However, upon this foundation the Commissioners project plans which, consistently with their theory, are avowedly framed "to secure as much as possible of the confidence of the people."

In the contest which I have had with the House of Assembly here, my argument has been that the Governor and his Executive Council form the great constitutional counterpoise to the representatives of the people; and that in proportion as the Provincial

Legislative Council is deficient in the rank, wealth, and superior education which give influence to our House of Lords, so it is necessary that the Governor and his Council should be enabled to withstand the democratic pressure which, in the British constitution, it is as much as the King and the House of Lords can do to resist. I therefore consider that the Commissioners' recommendation of attempting to conciliate partly public opinion by forming the Executive Council out of the two Houses of the Legislature—or, in other words, out of the very elements it is intended to control, is a fatal error.

I also consider, that to absolve the Governor's council from secrecy would render it absolutely impossible for him to consult them; for as he is only supposed to consult them on subjects upon which he feels his judgment to be rickety, the confession to them of his own weakness would, if made public, ruin his authority by depriving him of respect.

Besides this, if a councillor were permitted to declare what measure he had *not* advised, he would equally be at liberty to declare what measures he had advised; and, if these were popular measures, the Governor of this colony, besides having to stand against democracy, would also have to bear against the additional odium of having stood against the popularity-hunting advice of his Council; which, altogether, would in practice be more than he could bear.

But the Report of the Commissioners respecting

the Executive Council forms but a single feature in the whole picture of their policy, which to my mind has a democratic character to which I cannot conscientiously accord.

I can declare to your Lordship, that, before I came to this country, many of my friends fancied I was a radical, and, indeed, I almost fancied I was one myself, for in all the countries I have ever visited I really have been devotedly attached to what is vulgarly called the liberty of the subject, but I cannot go as far as the Commissioners; and I feel it only due to them, and to your Lordship, to state so.

For instance, I consider that the language of the 92 Resolutions of Lower Canada was not only insulting to the British Government, but traitorous.

If this be true, it unavoidably follows that the author of these resolutions is a traitor, and to create him a judge was, in my humble opinion, to place on the British bench one whose proper situation was the dock.

I consider that, in a British colony, *British interests should be paramount*, and that in these provinces we should foster them by every means in our power, by infusing into the country our redundant population, and by giving nothing to aliens but their bare rights.

I do not in the slightest degree presume to offer these observations as complaints against the Commissioners, or even as suggestions worthy your Lord-

ship's consideration ; but merely as a confession that my principles and opinions differ completely from those of gentlemen under whom, I *believe*, I should act, and with whom, I am sure, it is highly advisable I should concur.

As long as I could continue neutral, my opinions were concealed in my own breast, but every hour drives me to the necessity of taking decisive measures ; and as the Commissioners and I are now acting in opposite directions, I feel quite confident that sooner or later the principles which govern us must be suspected to be different, and that, the moment the truth is elicited, embarrassments of a very serious nature must ensue. The British population of both the Canadas is now leaning with its whole weight upon me, instead, as it ought to do, upon the Commissioners ; I therefore feel I am doing his Majesty's Government more harm than good—that being the lesser power I really ought to retire—and I have no hesitation in recommending to your Lordship that I should do so.

There exist, in the Commission of Inquiry, opinions openly promulgated which many may term liberal, to which I cannot and never will subscribe ; but, far from wishing to oppose them, I only desire to offer to your Lordship to yield to them the field.

I have, &c.,

F. B. Head.

The Lord Glenelg, &c., &c. &c.

Although in the foregoing despatch I divulged to his Majesty's Government my opinion concerning the Commission of Inquiry, the high jurisdiction of which extended to Upper Canada, yet in doing so I felt it but right, 1st—to tender my resignation; and, 2ndly, to make the Commission aware of the opinions I entertained, by communicating them almost literally in a letter to Sir Charles Grey.

As his Majesty's Government, in reply to my communication, declined to lay my resignation before the King, I could not, as I desired, "yield to them the field;" and as the Government did not call upon me to explain my meaning, I had no opportunity of doing so: but as the despatch has now become public, I feel it a duty I owe to the Commission precisely to explain my meaning.

In the Commission there existed one gentleman of whose talent and probity I have already spoken in high terms. His abilities were good, his power of writing uncommon, but his political principles were offensive to almost the whole of the British population. The freedom (which surely must be known even in this country) with which he avowed them was a subject of general regret; and although I could not but admire the honesty with which he spoke his mind, yet when I found that even at a large party, expressly invited to meet him at the Government House at Toronto, in Upper Canada, he advocated his principles so undisguisedly, that, on his leaving the room,

one of the public officers observed, loud enough for me to hear him, "That gentleman should be recalled!" I felt it my duty, though he was personally my friend, to express what I did in my despatch, and having done this "to yield to him the field."

The feeling in the Canadas among the British party was, on this subject, right or wrong, so strong, that, on this gentleman returning to England, it was a subject of considerable speculation to observe in what way a person who was known to have honestly expressed such sentiments would be received by the Colonial Office; and they were equally astonished and disheartened (to no one was the moral more appalling than to myself), when they saw it very shortly announced that, out of the whole population of Great Britain, he was selected by his Majesty's Government to be placed at the head of one of the most rising and important of our colonies. On this appointment I have no comment to offer, and I most deeply regret the necessity which has called for even what I have said.

The following despatches on various subjects will speak for themselves.

Toronto, June 22, 1836

My Lord,

I have the honour to transmit to your Lordship a newspaper published here, entitled the *Correspondent and Advocate,* which contains a letter from Mr. M'Kenzie, of which the following is an extract

"The people of Lower Canada and the Upper Canada Reformers especially direct their views to four important objects, not one of which will be conceded, as I believe, until it be too late. They are —*an elective Legislative Council;* an Executive Council responsible to *public opinion;* the control over the whole provincial revenue to be in the Legislature; and the *British Parliament* and the Colonial Office to *cease* their interference in *our internal concerns.*"

As the Republicans in the Canadas generally mask their designs by professions of attachment to the mother-country, I think it is important to record this admission on the part of Mr. M'Kenzie of the traitorous object which the Reformers of this province have in view.

I have, &c.
F. B. Head.

No. 56.

Toronto, Upper Canada,
8th July, 1836.

My Lord,

The important subject of this despatch is to inform your Lordship of the result of the elections which have taken place here in consequence of my having dissolved the Provincial Legislature on the 28th of May.

As soon as I determined on the 5th of March last

to make a stand against the unconstitutional demands of my late Executive Councillors (which, as your Lordship is aware, were strenuously supported by the House of Assembly), I became sensible that the only practicable method of breaking the republican party was by opening the eyes of the people to the traitorous designs of those who were leading them insensibly to revolution.

In proportion as the Constitutionists were observed to rally round the British flag (which I hoisted for the first time in the history of the Province on the roof of the Government House), the Republicans felt it necessary to make on their part every possible exertion; and as the period for the elections gradually approached, it became evident to every reflecting man in Lower Canada, that by the conflict about to take place in the Upper Province, Mr. Papineau's power would either be materially increased or diminished, inasmuch as in one of my replies I had noticed his letter to Mr. Speaker Bidwell as follows :—

"But as Mr. Speaker Papineau has thought proper to promulgate in this province, 'that the people of the Canadas, labouring under the accumulative wrongs proceeding from an Act of Parliament, *unite as a man*,' I feel it necessary publicly to repudiate that assertion, by declaring what the state of opinion in Upper Canada really is.

"The people of Upper Canada detest democracy; they revere their Constitutional Charter, and are consequently staunch in allegiance to their King.

"They are perfectly aware that there exists in the Lower Province one or two individuals who inculcate the idea that this province is about to be disturbed by the interference of foreigners, whose power and whose numbers will prove invincible.

"In the name of every regiment of militia in Upper Canada, I publicly promulgate, *let them come if they dare.*"

The elections commenced on the 20th of June, and the struggle, as might be expected, was a desperate one. I am happy however to inform your Lordship, that the result has been successful, and that truth and justice have as usual prevailed.

In the late House of Assembly the *Republicans* had a majority of *eleven*. In the present House of Assembly the *Constitutionists* have a majority of *twenty-five* (there being now forty-five constitutional members, and only seventeen republican!)

In the late House there were thirteen American members; in the present House there are only seven, one of whom is a Constitutionist.

Among the Republicans who have *lost* their election are the following names:

"1. Mr. Speaker Bidwell,* the twin or Siamese companion of Mr. Speaker Papineau.

"2. Mr. Peter Perry, the most powerful, as well

* The Government insisting on elevating Mr. Bidwell to the bench, after they had received this despatch, is surely incomprehensible.

as the leading speaker of the Republicans; the chairman of the committee to whom was referred my correspondence with my Executive Council.

"3. Mr. W. L. M'Kenzie, the Chairman of the Grievance Report, and arch-agitator of this province."

As a single example of the reaction which has lately taken place in the public mind, I may state that the Solicitor-general, who is the leader of the constitutional party in the House of Assembly, was returned without opposition; that Mr. M'Lean, the late constitutional Speaker, was returned at the head of his poll; while Mr. Speaker Bidwell, the avowed advocate for republican institutions, was the lowest of the four candidates for his county.

The effect which the election has produced in this country, and the excitement it will cause in Lower Canada, I will not attempt to describe, but will only express a hope that it will, in your Lordship's estimation, sufficiently defend the course of policy which I have adopted on my arrival at this province, and which I had the honour to explain to your Lordship in my despatch of the 5th of February, as follows:—

"Under these circumstances I considered that the great danger I had to avoid, was the slightest attempt to conciliate any party; and that the only course for me to adopt, was to act fearlessly, undisguisedly, and straightforwardly for the interests of the country, to throw myself on the good sense and

good feeling of the people, and abide a result which I firmly believe will be triumphant."

I have the honour to be,

My Lord,

Your lordship's most obedient servant,

F. B. Head.

The Lord Glenelg, &c. &c. &c.

No. 57.

Toronto, 16th July, 1836.

My Lord,

In my last despatch, No. 56, dated 8th instant, I had the honour to inform your Lordship, that our elections have added forty constitutional votes to the House of Assembly, which is composed, as your Lordship is aware, of sixty-two members.

"The republican minority of course feel that their cause is desperate; and, as a last dying struggle, they have, I understand, been assembling at Toronto night after night, for the purpose of appealing for assistance to his Majesty's Government!

Their conventions are so secret that it is impossible for me to know what passes there; but I have been informed, that they have actually despatched Dr. Duncombe,* (an American, and a rank republi-

* This Dr. Duncombe crossed the Atlantic on his secret mission under a false name. On arriving in London he of course went to Mr. Hume, who seconded his charges against me of having "fabricated

can) with complaints of some sort respecting the election.

I also beg to state to your Lordship, that I expect that Dr. Baldwin, Mr. *George Ridout* and Mr. Small, whom I have felt it necessary to dismiss from the situations they respectively hold, in consequence of the disrespectful language they have publicly used against me, will also seek to be supported by his Majesty's Government.

I feel confident that your Lordship will discountenance this dark, unconstitutional practice of despatching agents from the province to his Majesty's Government, to make secret complaints against the Lieutenant-Governor, which, of course, it is impossible for him to repel.

I will therefore merely assure your Lordship that in the elections, *as well as in the prompt dismissal of a few of the ringleaders of the Republicans, I have acted cautiously and conscientiously.*

I have the honour to be,
My Lord,
Your Lordship's most obedient servant,
F. B. Head.

The Lord Glenelg, &c. &c. &c.

votes." On his return to Upper Canada he failed even to appear before the House of Assembly to substantiate any one of his allegations, became a traitor in arms, ran away, and a reward of 500*l.* is now offered for his apprehension.

No. 60.

Toronto, 23*rd July*, 1836.

My Lord,

Until I know whether my past proceedings have been approved of or condemned, it feels cheerless to enter upon the consideration of the future: however, as it is absolutely necessary to consider what should be done at the meeting of the Provincial Legislature which might possibly take place in November, I feel it my duty to submit to your Lordship a few observations.

* * * *

In an evil hour we fatally surrendered, without bloodshed, the duties levied under 14 Geo. III.,* the consequence of which has been, that the Republicans, instead of thanking us, have called upon us also to surrender the hereditary revenues of the Crown.

Your Lordship took the pains of ordering in detail a remedy for every single grievance in Mr. M'Kenzie's volume, and the Republicans instantly repaid you by calling for an immediate surrender of the power and responsibility of the Lieutenant-Governor. Little now remains in our hands, and if that little be conceded, if we give up the hereditary and territorial revenues of the Crown, in my humble opinion we

* See the Duke of Wellington's admirable protest against this fatal measure.

have King Lear's fate before us, without his plea of inexperience.

I need hardly observe to your Lordship, that the British Constitution was granted to the inhabitants of the Canadas, merely for the internal government of *their own* property, and *their own* affairs; not to entitle them to claim possession of the property of the parent state! If once this distinction be confounded, not only will the property of the Crown be in danger, but the colony will actually be encouraged to demand its separation from the mother-country; but if the Crown voluntarily surrenders its actual property in this colony, before it has imbibed from the mother-country a hundredth part of the redundant population it is capable of sustaining, it may with equal justice be required to surrender its jurisdiction.

I feel quite confident that if the Lieutenant-Governor of this province, whoever he may be, will act with common firmness, he will not be seriously embarrassed by this refusal on the part of his Majesty's Government; and if the territorial revenues were placed at the Lieutenant Governor's disposal, under such orders and precautions as his Majesty's Government might think proper to direct, to be judiciously applied by him to those sort of improvements (such as road-making for instance) which would benefit the mother-country as well as the province, or if necessary, to be temporarily withheld, I believe that

the country, instead of factiously opposing the Lieutenant-Governor, would feel it their interest (which at present it is not) to live upon good terms with him; and there can be no doubt whatever, that, being disinterested, being unconnected with all jobs and local speculations, the Lieutenant-Governor of the province could direct the expenditure of the hereditary revenues of the Crown with greater advantage to the country than if they were to be intrusted to the people's representatives.*

Whether the Lieutenant-Governor or the House of Assembly is to have the expenditure of this money is the point which I respectfully submit to your Lordship's consideration.

In my humble opinion it should be given to His Majesty's representative.

1st. Because it is the property of the Crown, and not the property of the people; and

2ndly. Because it is politic to give the Lieutenant-Governor every possible constitutional support, and impolitic to throw that which legitimately belongs to his influence into the scale of the House

* The Legislative Council, in their late able "Report on the State of the Province," in speaking of the proposed surrender to Upper Canada of the casual and territorial revenues, in most disinterested terms declare, "that they are far from being impressed with the conviction that such a relinquishment of the *just rights and prerogatives* of the Crown will contribute to the welfare of the colony.' Yet, against the advice of two branches of the Legislature, the Colonial Office *insist* on surrendering them!

of Assembly, which already too clearly prepon derates.

I have not yet been able to determine when the Legislature will assemble; but as it is very possible that it may be advisable it should do so early in November, I hope to receive immediate instructions.

I have, &c.,

F. B. Head.

The Lord Glenelg, &c. &c. &c.

CHAPTER VI.

Return to Toronto, after a two months' Inspectional Tour of the Provinces—Submit to His Majesty's Government a Memorandum on the Political State of the Canadas—Also a Memorandum on the Indian Tribes—Remonstrate with the Government—Adhere to the Opinion that the Casual and Territorial Revenues should not be surrendered—Reply to Mr. Ex-Speaker Bidwell's Accusation—Loyal Address from the Speaker of the new House of Assembly on granting the Supplies.

In my inspectional tour, which occupied about two months, I traversed Upper Canada from the extreme south to the eastern district, and from thence to the western boundary.

I generally travelled with two attendants; and, as a considerable portion of the journey was necessarily performed on horseback, I had an opportunity of conversing on very agreeable and easy terms with the yeomen and farmers, who generally assembled to ride with me through their respective districts, and proceeding considerable distances, I had thus an opportunity of conversing through the day with various sets of farmers. In my visits to the Indians it was found inconvenient to carry a tent, and accordingly my aid-de-camp and I lived in the open air, and at night slept on the ground.

Nothing can be more reasonable than that his Majesty's Government should withhold their support from any officer in their service who conscientiously

advocates in his despatches principles differing from their own; but that my humble opinion on the political state of the Canadas, and of the Indians, should on that account have been withheld from the public, when every report, even of disagreement, proceeding from Lord Gosford and the Commissioners of Inquiry in Lower Canada, was liberally submitted by his Majesty's Government to both Houses of Parliament, to enable them to form their judgment on the Canada question, appears to me inexplicable.

No. 79.

Toronto, Upper Canada, Oct. 8, 1836.

My Lord,

I have the honour to inform your Lordship that I have issued a proclamation convening the Legislature of this province for the despatch of business on Tuesday, the 8th of November next.

I had, as your Lordship is aware, fixed upon the end of November; but in consequence of the state of affairs in Lower Canada, I have considered that his Majesty's Government would probably like to have before them, at the meeting of the Imperial Parliament, the actual result of the *whole* of the proceedings of the session of this Legislature, and I therefore fixed on the day I have mentioned.

I have, &c.

F. B. Head.

The Lord Glenelg, &c. &c. &c.

No. 86.

Toronto, Upper Canada, Oct. 28, 1836.

My Lord,

I have the honour to submit to your Lordship a short memorandum on the present political state of the Canadas.

I have, &c.

F. B. Head.

The Lord Glenelg, &c. &c. &c.

Memorandum on the present Political State of the Canadas.

During the inspectional tour I have lately concluded, I have been occupied two months in calmly observing the moral feeling of this province.

Avoiding addresses of congratulation, or anything that could cause political excitement, I have mingled with men of practical intelligence, and have listened to the variety of opinions they offered to me, with the same attention with which, as an Assistant Poor Law Commissioner, I made myself acquainted with the prejudices and difficulties it was then my duty to encounter.

I have since had full leisure and opportunity deeply to reflect upon all I have seen and heard; and, although I am at this moment sensible how much may possibly depend on the integrity of the evidence I am about to offer to your Lordship, and

into what difficulties I may lead His Majesty's Government, if by exaggeration I should induce them to construct their remedial measures upon a false foundation; yet, with all this before my mind, I have no hesitation whatever in declaring to your Lordship, that *upon the loyalty of the people of Upper Canada his Majesty's Government may now build as upon a rock.* I declare to your Lordship that in England there does not exist a more sensible attachment to the British constitution, and to the person of our Sovereign, than here. The owners of property in Upper Canada dislike democracy: they dislike it infinitely more than people in England do, because *there* it is a fine *omne-ignotum pro-magnifico* theory, that no man understands—whereas *here*, it is seen practically working before our eyes in the United States; and it is because the British population in Upper Canada see it in operation, that they deliberately detest it, in which feeling, or rather judgment, they are joined by many of the Americans themselves, who sorrowfully foresee that Lynch law must ere long unavoidably treat their rights, their hard-earned property, and their religion, just as the cataract of Niagara everlastingly behaves to the calm, gliding waters of Lake Erie.

Of course there exists in Upper Canada, as in England, a party who desire to subvert the British Constitution; but I can assure your Lordship that this party is, generally speaking, composed of people

who, in point of property as well as in point of character, have little or nothing to lose, and whose opposition is therefore, proportionately, not equal to that which exists in the mother-country.

The opinion which so generally prevails in England, that a republican government is better suited to the disposition of the Canadian people than the British Constitution, is an error which the simple fact I am about to mention ought to subvert.

Previous to the late election, I made the following declaration, which was printed and circulated over the whole province :—

"The people of Upper Canada detest democracy; they revere their Constitutional Charter; and are, consequently, staunch in allegiance to their King."

This declaration against democracy was, of course, disapproved of by the republican members of the late House of Assembly; and, consequently, nothing could be more clearly put to the decision of the inhabitants of any country than the following question, which the people of Upper Canada actually asked of each other on the hustings: "Do you vote for the House of Assembly or for Sir Francis Head?" which amounted in plain terms to this, "*Are you for a republican government, or are you not?*"

The subject having been thus publicly sifted, debated, and argued for about three months, the verdict of the people was unequivocally delivered as follows :—

It discarded from the House of Assembly

1. Mr. Speaker Bidwell, the avowed advocate of republican institutions.

2. Mr. Peter Perry, the leading supporter of these doctrines.

3. Mr. W. L. M'Kenzie, the leading writer in support of these principles.

It completely broke up the republican majority, which, under the pretence of being redressers of grievances, had long insidiously, but successfully, obtained seats in the Assembly: in short, the result of the election, or in other words of *the opinions of the people*, was eventually declared to be as follows:—

Number of Constitutional members elected 44

Number of their Opponents - - - - - 18

Of this latter number (18) there were not three who dared openly to avow, before their constituents, a desire to separate this colony from the mother-country, or to exchange its constitution for democracy.

I feel it impossible to take leave of the above recited historical fact, without remarking how little it supports Mr. Papineau in his assertion, that "*America is destined to give republics to Europe!*"

With respect to the Indians inhabiting the vast regions around us, I can assure your Lordship, from personal communication with these brave men, that, in the event of a war, all those upon whose attachment we have a just claim would, at any time, sacrifice their lives for their great father, the King, and that,

if it should be necessary to call upon them, they would come.

Having now stated the result of the observations I have personally made on the state of public feeling in Upper Canada, I would gladly conclude; but the political state of Lower Canada is so entangled with the interests of this Upper Province, that I feel it my duty respectfully to submit to your Lordship my opinion of the remedial measures which ought to be adopted, in order that His Majesty's Government may take them into consideration, with the various other projects and recipes which will be proffered on the subject.

The remedy which I fear will be assiduously recommended by the British population of Lower Canada is, that the two provinces should be united, and placed under the government of some individual in whose coolness, decision, and ability they can rely.

My humble but deliberate opinion of this project is, that it would produce the effect of separating both the Canadas from the parent state, on the homely principle, that if tainted and fresh meat be attached together, both are corrupted.

Upper Canada is now, as I have assured your Lordship, sound and healthy at heart.

So long as in the United States democracy displayed only its brilliant *flowers*, considerable danger existed of the weed being rashly transplanted into

this neighbouring soil; but since the poisonous properties of its *fruit* have become known to us, the attachment of the Upper Canadians to their British constitution has, from deliberate conviction, gradually become what I have described it to be. I firmly believe that this good feeling will increase—that the disease of democracy has ceased to be infectious—that we have now nothing to dread but its contagion, and, consequently, nothing to avoid but its actual contact. However, notwithstanding the good feeling which exists in the country, it is well known, to every observer of human nature, that a considerable portion of mankind are always governed more by prudence than by principle. In this country, as in all others, there must, consequently, exist a large body of men, termed here "majority men," from their propensity to attach themselves to the largest party.

So long as Upper Canada remains by itself, I feel confident that, by mere moderate government, her "majority men" will find that prudence and principle unite to keep them on the same side; but if once we were to amalgamate this province with Lower Canada, we should instantly infuse into the House of General Assembly a powerful French party, whose implacable opposition would be a dead or rather a living weight, always seeking to attach itself to any question whatsoever that could attract and decoy the "majority men;" and I feel quite confi-

dent, inasmuch as evil passions are always more alert than good ones,

> ("For oft, though Wisdom wakes,
> Suspicion sleeps at Wisdom's gate,")

that, sooner or later, the supporters of British institutions would find themselves overpowered, not by the good sense and wealth of the country, (for *they* would, I believe, always be staunch to our flag,) but by the votes of designing individuals, misrepresenting a well-meaning, inoffensive people.

But leaving political intrigue out of the question, I submit to your Lordship, in opposition to the project of uniting the Canadas, that there exists no moral affinity between the inhabitants of the two provinces. The one are commercial and enterprising, the other anti-commercial and quiet: the busy enjoyment of the one nation is locomotion, the peaceful luxury of the other is rest.

But even if their propensities were identical, their climate, soil, and geography are so different, that their interests would be constantly at variance.

For instance, the Upper Province, surrounded by seas of fresh water, which it holds in partnership with the United States, requires rail-roads and markets, which it might be against the interests of the Lower Province to promote.

The distance between the extreme districts being about 1100 miles, and there being no travelling by water for at least five months in the year, would

make the meeting of the Legislature at any point of common rendezvous exceedingly inconvenient. Besides which, the size of the two provinces united, would impart to them a political weight, power, and importance, which would, I fear, encourage a separation from the mother-country. In short, the more I practically consider the project, the more clearly does it appear to my mind, that both provinces would be embarrassed by their union, and that, between the two stools, the British Constitution would fall to the ground.

Deeply impressed with this opinion, it is alarming to me to reflect how strongly the project will probably be pressed upon the consideration of his Majesty's Government by various classes of people, each actuated by self-interest; for instance:—

1. By the British population of Lower Canada, who desire to be rescued from the domination of the French.

2. By a portion of the British in Upper Canada, whose votes have been canvassed by their correspondents in the Lower Province.

3. By that unthinking portion of the community, which here, as well as in England, is always in favour of novelty and change.

4. *By all those deep-calculating Republicans in both provinces, who shrewdly foresee that the union of the two provinces would eventually cause their separation from the British Empire.*

In case his Majesty's Government, for better reasons than I have offered, should disapprove of the union, it then becomes necessary to consider how the present revolt in Lower Canada should be dealt with.

In my humble opinion there are but two courses to be adopted; namely, either peaceably to attempt to cure the evil, or to determine forcibly to kill it.

The only peaceful prescription for effecting a cure, which I can conceive, is emigration; and it will no doubt be argued, that as an army of emigrants is cheaper than an army of soldiers, it should be our policy to swamp the misrepresentatives of the French *habitans*, by opening upon them, by dint of free grants of land, the flood-gates which retain our superabundant population.

I feel confident, however, from what I have seen of Upper Canada, that this theory would fail to produce the desired effect: for the severity of the Quebec climate, compared with this, would chill the efforts of Government to effect this rapid emigration; and, even if it were to be effected, the time that must elapse before the present members of the Assembly could be actually displaced would defer the remedy to a distance beyond our present political horizon. In the mean while, Upper Canada would be like a living body chained to a dead one: for as the two provinces are partners in the joint-stock revenues of the St. Lawrence, as well as in the navigation of the Ottawa, a sulkiness, or anti-commercial obstinacy, on

the one part, would amount to an actual blockade of the interests of the other : in short, the Upper Province would be driven by desperation to search for an outlet to the ocean, *viâ* the United States.

The political disorder of Lower Canada being (as I have endeavoured to shew) by the slow process of emigration *incurable,* we are now driven to consider what would be the safest, the simplest, and the most effectual method of *killing* it. I do not mean by personal violence, but the calm, legislative powers of the Imperial Parliament.

It is useless at the present hour retrospectively to regret the uncalculating course of policy, which from our first possession of the Canadas has not only permitted, but encouraged a few individuals who misrepresent the real interests of the French *habitans* of Lower Canada, (whose simplicity and amiability of character no one can fail to admire,) to assume towards the British empire a tone of arrogance, and a posture of defiance which, considering their relative physical strength, and the total absence of any just cause for revolt, is without a parallel in colonial history.

Our past policy has, however, been productive of one advantage, namely, that it must now satisfy the cool judgment of the civilized world, that Great Britain in forbearance has borne more, and in submission has submitted to more, than would have been tolerated by any other nation on the surface of

the globe ; and indeed, such is the scrupulous regard for justice, and the love of mercy, which is inherent in the British character, that I am proud to believe it will be with the deepest regret that the subject will even now be considered by the Imperial Parliament.

Something, however, must be done ; and although I trust I am as unwilling as any person can be, to meddle with the Constitutional Act of 1791, yet, seeing the unavoidable necessity of doing so, I cannot but avow, I think it the duty of the country, if it does resolve to interfere, to prevent the necessity of ever doing so again.

With the double object therefore of cure and prevention in view, the following is the manner in which I would propose that the Imperial Parliament should deal with Lower Canada.

1. Let the Act giving up the revenue of the 14th George III. be repealed.

2. Annex Gaspé to New Brunswick.

3. Annex Montreal to Upper Canada.

4. Make the north bank of the Ottawa the boundary of Lower Canada, giving the waters of the river, and the expenses of making them navigable to Upper Canada ; Lower Canada having free right to use them by paying the same tolls as the Upper Province.

By the above simple arrangement, the Canadas would be divided into two lots; the one British, the other French. Upper Canada, which, without

any exception, contains the largest region of black rich earth I have ever witnessed, would then comprehend almost all that is British in the Canadas; and it would have, as its own port of entry, Montreal, the wealth and importance of which would draw the exports as well as imports of the country to the St. Lawrence: whereas, continue to deny to Upper Canada that port, and every person acquainted with the country foresees, and has long foreseen, that its produce, pent up under high pressure, must fly off, by licit or illicit means, into the United States.

As long as Upper Canada remained poor, and occupied in petty political discussions, the want of a free port of entry was merely a subject of constant complaint; but whenever it shall become flushed with wealth, unless free circulation be given to its commerce, I have no hesitation in saying, I believe the people would revolt from any Government on earth that should deny them this natural respiration.

Convinced of this truth, I consider the opportunity now afforded to the Imperial Parliament of providing against this approaching evil a most fortunate occurrence: for if the misrepresentatives of Lower Canada had not by their late conduct shaken off their connexion with the British population of the Canadas, the latter would very shortly have found it necessary, without right, without justice, and for no other reason than for that which all over the world governs mankind, namely, *their own interests*

to have severed the connexion themselves. That the two tribes of men, French and English, do not assimilate, *is no modern discovery;* why, therefore, should we expect that a commercial partnership should succeed on the St. Lawrence, which would not hold together for five minutes on the Thames?

My humble project of separating the two tribes is nothing more than what Nature herself did, when she deliberately created the British Channel.

If it should be argued, that, by transferring Montreal from the Lower to the Upper Province, we should make the latter too strong, and the former too weak, I respectfully reply, that Upper Canada need not be ashamed to acknowledge that, single-handed, she can never be made strong enough to stand against the United States by land; nor, with her solitary port on the St. Lawrence, could she ever attempt to contend against Great Britain by sea. With one of these powers she must consequently exist in alliance; and leaving consanguinity out of the question, there can be no doubt in the mind of any man who is acquainted with the inhabitants of Upper Canada, that they are deliberately of opinion that they hold at this moment a higher and more independent station, as a colony of their own revered mother-country, the British Empire, than they would hold if they were permitted to be styled one of the supernumerary stars of the United States.

We have therefore nothing to dread from the size

or from the prosperity of Upper Canada, and with respect to the division proposed making the Lower Province *too small*—if it be true, and surely no one can deny it, that the French are not the same sort of restless, commercial people as ourselves—that we made a grand mistake in legalizing their language—that their habits, wants, and religion, however they may be deserving of our respect, never will assimilate with our own ; it may be fairly asked, what harm shall we do ourselves, or what injustice shall we do to them, by saying, " Gentlemen, your representatives have failed to support the Executive out of the revenues we surrendered to you, on condition you should do so: we have, therefore, repealed that Act, the provisions of which you yourselves have most deliberately broken.

" You profess not to like your connexion with Great Britain, under whose mild, parental protection you have amassed all your wealth: we have, therefore, detached you as much as possible from British interest, nevertheless, for the sake of those who have already emigrated, as well as for those who have a right still to emigrate from their mother-country to the British colony you inhabit, we shall insist on retaining within that portion of the empire the British Constitution.

" You have, therefore, your own Legislative Council, your own representatives in the House of Assembly ; and with these advantages, which you may

either use or abuse, we now leave you to act as you may think best for the interest of the noble country you inhabit."

If Lower Canada, under these altered circumstances *of its own seeking*, should choose to be commercial and loyal, it would soon reap the inestimable advantage of its connexion with our empire: if, on the contrary, it should prefer to be disloyal and anti-commercial, it would injure no one but itself, for it could not possibly be an independent nation, neither could it hope to join the Upper Canadians, for they would say, "No, Gentlemen, we have already tried a connexion with you, you did not suit us, you would not work with us, you publicly declared you did not like us, your representatives refused to meet for legislation, until our British Constitution was changed for elective institutions: we have at last got a port of our own, we are busy opening the navigation of the Ottawa and the St. Lawrence, and we are satisfied."

Lastly, It could not join the United States,

1st, On account of its distance;

2nd, Because, by the common law of nations, Great Britain and Upper Canada would object to any foreign power occupying a position of our empire which commands the entrance of one of the noblest of its rivers.

I am aware that in the eastern township of Lower Canada, as well as at Quebec, there exist some British inhabitants, who, if they were to hear of the proposed

annexation of Montreal to the Upper Province, might, at first, with some reason, fancy themselves peculiarly neglected, by being thus apparently placed even more than ever under the domination of the French; but I think a little reflection would satisfy them, that as it is *impossible* for them, as they are at present, *ever to belong to the French majority*, the more the power of that majority be *crippled*, the less will they have to fear from its domination.

With respect to Upper Canada, I have already stated that, with the assistance of Montreal, the navigation of its two great rivers would immediately be perfected.

Enjoying independently its own port of entry, and public confidence being restored, the province would become rapidly rich from the redundant capital, enterprise, and population of the mother-country, and its commerce being attracted by the wealth and intelligence of Montreal, would travel on our own noble rivers the St. Lawrence and the Ottawa, instead of being forced upon canals and rail-roads in the United States, which, in case of war, it would suddenly be deprived of. The loyal colony of New Brunswick would also be benefited by the arrangement, and I believe that the just lesson would produce a salutary moral throughout all our colonies.

In the above outline of the advantages which would attend the division of the Canadas as I have proposed, I have said nothing of the immense value of these

provinces to Great Britain, because I feel that subject is too vast to be described. I will, therefore, only observe that Upper Canada alone is capable of receiving the whole agricultural population of England and Wales—that its commerce is a market for our own manufactures, and a nursery for *our seamen, instead of for those of other powers.*

If the Imperial Parliament will now deal with Lower Canada with firmness and decision, there is nothing whatever to fear—*if it vacillates, all is gone.*

F. B. Head.

My memorandum on the state of the Indians of America will be found in Appendix A.

(Private.) *Toronto, 28th Oct.* 1836.

My Lord,

It is an old maxim in the army, that any project of apparent difficulty, or danger, should always be accompanied by an offer from the proposer to carry it into effect *himself.*

The memorandum I have the honour to submit this day to your Lordship contains a proposition of this nature, and I should have no hesitation in declaring to your Lordship that I would pledge my character to carry either half of what I recommended into effect: I mean, that I would undertake either to advance the interest of the Upper Province in the way I have proposed, or by caution, forbearance, and

firmness to tranquillize the Lower Province*, notwithstanding the operation I have recommended it should undergo ;† but, from the treatment I am receiving, I feel that my services are not appreciated, and will not long be in action.

I have, &c.

F. B. Head.

The Lord Glenelg, &c. &c. &c.

To those who may have conceived that I have intemperately abandoned my post, I beg to observe, that I remained at it nearly eighteen months after the above despatch was written.

Toronto, Upper Canada, 7th Nov. 1836.

My Lord,

I have the honour to acknowledge the receipt of your Lordship's despatches (No. 73 and 95), of the importance of which I am deeply sensible ; but as the Legislature assembles to-morrow, I trust your Lordship will excuse me, if I reply to these communications in as few words as possible.

The flattering manner in which your Lordship has been pleased to convey to me the King's gracious approbation of my conduct has afforded me the first

* After it had been reduced.

† Although I offered to carry either of these two measures into effect, yet I can truly say that nothing in this world would have induced me to have assumed the impracticable duty of contending with an amalgamation of the Houses of Assembly of the two Provinces.

happy moment I have enjoyed since my arrival in this province.

The future so completely occupies my attention, that it is with reluctance I turn to the consideration of the past; but your Lordship seems to wish that I should frankly explain myself respecting my political opinions, and I will therefore lay them before you without reserve.

Up to the receipt of your Lordship's despatch (No. 95), I have suffered, from the treatment I have received from his Majesty's Government, more pain thani t would be possible for me to describe.

On the 29th of February almost every member in the House of Assembly, with a majority of the Legislative Council, recommended to your Lordship that an individual should be appointed to the important station of Surveyor-General of this province, in opposition to an appointment which I had made. In resisting this aggression, I had no interest but that of the public service, and I undertook a heavy responsibility in standing against a recommendation apparently so respectable.

Your Lordship must have received this communication about the end of April, and though my arguments and reasoning appeared to you satisfactory, and though *eventually* you approved of my conduct, yet it was not until the 27th of September that I was relieved from the painful belief which generally existed here, that the measure I had taken was discountenanced by his Majesty's Government.

On the 4th of March I received from the Executive Council a document, ferociously supported by the House of Assembly, which I immediately transmitted to your Lordship, with my answer, which your Lordship was pleased eventually to notice in the following terms :—

"From the construction thus given to the Act of 1791 I must altogether dissent, nor do I know that it would be possible to refute it in terms more complete and satisfactory than those employed in your answer of the 5th of March."

The above support, however, I did not receive from your Lordship until the 27th of September, during which time I was engaged single-handed in one of the severest moral contests on record in the Colonial-Office. Your Lordship's silence was construed, not only by my enemies but by everybody, even by my own Executive Council, as the marked disapprobation of his Majesty's Government, and it bore me almost to the ground.

By my own unassisted exertions, I received addresses of support from about 28,000 yeomen, farmers, &c., all of which I forwarded to your Lordship, but to which, to this day, I have never received the slightest acknowledgment from his Majesty's Government, addressed to those who thus generously came forward to support me.

Whenever a mail arrived, I was asked, with the greatest anxiety, what remarks the British Government had made to these noble addresses ; the mortifying answer I had to give was "*None*."

The speech I delivered to the Legislature at the close of the last session has, in this province, as well as in the United States, been noticed in a manner strongly supporting me, as the administrator of the Government. Upwards of 100,000 copies of it have been distributed.

The greatest curiosity naturally existed in this little community to know what notice His Majesty's Government had taken of this speech ; I had again to reply "*None.*"

When I eventually gained a victory, which I hope I do not overrate when I say that it has saved the Canadas, weeks and weeks elapsed without the slightest acknowledgment, or even mention of it, by his Majesty's Government, the effect of which corroborated the general belief that I was acting against the policy of his Majesty's Government, and that I should eventually be recalled.

During this period of painful suspense, my family were in the greatest embarrassment and anxiety ; and though certain points of my conduct were approved of by your Lordship, yet other minute points were visited with observations which I never expected to receive. For instance, I was told that by having given to the Legislature the whole, instead of the substance of my instructions, I had "disregarded the express injunctions of the King;" that I had "avowed in the most public manner, that, in thus divulging the precise terms of my instructions, I was acting in opposition

to his Majesty's orders," and that " I had thereby contributed a little to impugn the respect due to the royal authority."

Again, in your Lordship's despatch (No. 73), in spite of the triumph I had gained, I was slightly reproved for having accepted the resignation of Messrs. Rolph, Baldwin, and ——, and your Lordship withheld your approbation from what was stated to be " my recommendation, that Mr. —— should be removed from the office of————————:" whereas, if your Lordship will be so good as to refer to my despatch on the subject, it will appear that I never recommended that gentleman's removal; on the contrary, that I earnestly requested your Lordship *not* to remove him, until I found him associated with Mr. Papineau and Mr. Bidwell, when I merely retracted the above recommendation, leaving it entirely to your Lordship to deal with him as you might think proper.

My Lord, I could continue these observations further, and could shew you the mischievous political effect they produced in the Canadas, as well as in England, of causing everybody to believe that I was discountenanced by his Majesty's Government, to whose interests, honour, and policy I had never been faithless for a moment. But I will say no more on the subject; I dismiss it from my mind and from my memory, and have only made the above explanation as an apology, rather than as a reason, for a few in-

temperate sentences which in my despatches to your Lordship I regret that I have expressed.

I will now proceed to reply to the latter paragraph in your Lordship's despatch No. 95, which states, that a " zealous and cordial co-operation on my part, in prosecution of the system of policy thus solemnly announced, is the condition upon which the administration of the province can be continued in my hands."

The above observation of your Lordship is so plain and unequivocal, that, if it stood isolated, I should receive it with respectful silence; but, as it appears to be connected, in a slight degree, with the baronetage which your Lordship announces to me it is his Majesty's intention to confer upon me, I feel the strongest possible anxiety to explain myself most clearly on the subject, before the gracious intention of his Majesty can possibly be carried into effect.

With respect to the instructions I have had the honour to receive from your Lordship, I have no hesitation in saying, that, when I read them in England, they appeared to me to be everything I could desire.

They have formed the text of all the replies I have made to the various addresses I have received, and I have invariably referred to them as a proof that I was ordered by your Lordship " to maintain the happy constitution of this province inviolate, yet cautiously, but effectually, to correct all real grievances." The

victory I gained over the Republicans I attributed (*vide* my despatch No. 56), not to my own exertions, but to your Lordship's instructions.

With respect, however, to that part of Lord Gosford's instructions which relate to the giving up the hereditary and territorial revenues of the Crown, I never understood, or indeed reflected upon, that subject, until, by our victory here, it became evident, to my humble judgment, that it was neither necessary nor advisable to do so.

In my despatch No. 60, I therefore explained, with the frankness with which I have always ventured to address your Lordship, the reasons of my earnest recommendations that they should be withheld. I respectfully adhere to the opinion I have expressed; and I have no hesitation whatever in saying, that, if the subject were open to your Lordship's revision, I should feel it my duty to tender my resignation, rather than be the instrument of doing what I conscientiously believe is impolitic.

But your Lordship informs me, that the King's word is *pledged* to the performance of this arrangement; and it being therefore irrevocable, it is useless for me to say any more on the subject.

If it were open to argument, I do yet believe I could bring conviction to your Lordship's mind, that Lower Canada having refused to serve any longer under the British Constitution, has virtually absolved his Majesty from any previous offers of accommoda-

tion he may graciously have made. I look upon the territorial revenues of the Crown as our last cable; that when it goes, we shall be on a lee-shore, and, at the next tempest, be driven on the rocks. *As the pilot in charge of your vessel, I warn your Lordship of the danger*, and if it be necessary that I should abandon my opinion, or the reward which is intended for me, I have no hesitation in at once renouncing the latter, for every hour of reflection makes me cling firmer and firmer to the former.

I have now, as regards my instructions, opened my mind to your Lordship, without concealment or reserve; and it only remains for me to be equally explicit, as regards my own private policy, or, in other words, the manner in which I shall continue to carry my instructions into effect.

In this I have no alteration to propose. In a moral contest it never enters into my head to count the number of my enemies. All that guides me is a determination to do what is right. I will never shrink from responsibility, and will endeavour *never to conciliate* nor offend.

The more I am trusted, the more cautious I shall be—the heavier I am laden, the steadier I shall sail; but I respectfully claim the military privilege of fighting my own battles in my own way, and of retiring from your Lordship's service whenever I may find it advisable to do so.

I will not apologise for having explained myself so

clearly, because I am sure your Lordship will feel for me how absolutely necessary it is that I should not receive the baronetage which I am informed is graciously to be conferred upon me, with the slightest possibility of a misunderstanding on the subject.

I have, &c.

F. B. Head.

The Lord Glenelg, &c. &c. &c.

No. 89.

My Lord, *Toronto, 6th Nov.* 1836.

I have the honour to acknowledge the receipt of your Lordship's despatches, Nos. 75, 76, 77, and 80, in which I am informed that certain letters respecting my conduct have been addressed to your Lordship by the following persons:—Messieurs Marshall Spring Bidwell, Robert William Baldwin, John Rolph, T. D. Morrison.

I have also the honour to acknowledge the receipt of your Lordship's despatch No. 95, enclosing a copy of a petition addressed by Mr. Charles Duncombe, a member of the House of Assembly of this province, to the House of Commons, and presented to the same by Mr. Joseph Hume.

On the receipt of the above-named despatches, Nos. 75, 76, 77, I immediately communicated to Messrs. Bidwell, Rolph and Morrison, a copy of your Lordship's request, namely, " that I would call

on each of these gentlemen respectively for a copy of his letter to your Lordship, in order that I might be able to supply your Lordship with any observations on it which I might consider it to require."

The copies of his replies, which I herewith enclose, will explain to your Lordship that Mr. M. S. Bidwell declines to furnish me with a copy of his letter to your Lordship, urging, as his reason, " that it contained a narrative of what had taken place between his Excellency and himself, particularly relative to his Excellency's proposition to appoint him a judge of the Court of King's Bench."

And Mr. Bidwell further adds,

" This private letter to the distinguished nobleman whose name I have mentioned I do not now choose, especially as I have no longer any connexion with public life, to convert into a public and official communication, by transmitting to you a copy of it."

It will no doubt appear strange to his Majesty's Government that Mr. Bidwell, after transmitting to your Lordship statements concerning my conduct, should, when called upon by your Lordship to avow them, deem it advisable to withhold them from me in this country on no better grounds than that they merely " contained a narrative of what had taken place between the Lieutenant-Governor and himself." It will no doubt appear equally inexplicable to your Lordship how Mr. Bidwell could hope, for a moment,

that a British minister * would allow him, or any person, to forward, under the protection of privacy, secret communications respecting the conduct of the Lieutenant-Governor of this province.

However, as Mr. Bidwell shields himself under this plea of privacy, it only remains for me to observe, that I have it not in my power to offer to your Lordship any observations on the subject of his communication.

As regards Mr. John Rolph †, whom your Lordship is so good as to inform me has also "commented at considerable length on my conduct," I have to inform your Lordship, that, to the letter from my secretary, enclosed herewith, in which I called upon him, by your Lordship's desire, for a copy of his letter, Mr. Rolph replied, by merely acknowledging its receipt; that, after an interval of five weeks, being again pressed by my secretary for a specific answer, he replied as follows:—

(COPY.)

SIR, *Toronto, 5th Nov.*

I have the honour to acknowledge your letter of the 21st of October, recalling my attention to the letter of the 28th of October.

* The reader has to learn, that, in spite of this despatch, the Colonial Office desired me to raise this man to the Bench! He has since the rebellion voluntarily transported himself, and engaged never to return to Upper Canada.

† Since absconded, and is now an outlawed traitor.

The sickness in my family has abated, and I hope shortly to be able to furnish the Lieutenant-Governor with a copy of my letter to Lord Glenelg.

I have, &c.

(Signed) JOHN ROLPH.

T. Joseph, Esq., &c. &c. &c.

As regards Mr. John Rolph's comments on my conduct, I have therefore also to state, that, not having obtained from him the information I required, it is out of my power to offer to your Lordship any reply to his allegations.

Mr. T. D. Morrison *, in his letter dated 29th of April, 1836, " imputes to me a misquotation from the Report of the Committee of 1835 on Public Grievances, in my speech at the close of last session." To this accusation I consider it unnecessary to reply, as it merely amounts to this—that, in my speech from the Throne, I quoted, as from the Grievance Report, a sentence which actually belonged to its *Appendix*.

With respect to Mr. Robert Baldwin's communication, dated 26th July, 1836, in which he encloses to your Lordship a Toronto newspaper, informs your Lordship of the contents of private letters he has received, and transmits to your Lordship a list of certain tunes which he has been informed have been played at public dinners in Upper Canada, I have no observations to make on such subjects, except that I believe

* Since tried for treason, and has since left the province.

that Mr. M. S. Bidwell, Mr. John Rolph, Mr. T. D. Morrison, Mr. R. Baldwin, and Mr. C. Duncombe, would be the very first to complain were I to undertake to curb in this province the freedom of the press, or to stifle the tunes of which Mr. Robert Baldwin has so gravely complained.

With respect to my expression, "*let them come if they dare,*" your Lordship has only to read Mr. Papineau's letter to perceive that this sentence was most clearly levelled at the invitation which the Speaker of the House of Assembly of Lower Canada made to this province as well as the other British North American Colonies to unite for an object that could not be misunderstood.

The Americans had no more to do with the subject than the Chinese, and of this fact, every inhabitant of the Canadas might be sensible; but my defiance was more than was expected, and it was therefore deemed safer to misinterpret it than to meet it.

It certainly appears to me not very creditable to those whose accusations I have just replied to, that after having so loudly and repeatedly complained of the "humiliating and mortifying" inconvenience of seeking for justice 4000 miles off, they should centrifugally write and hurry across the Atlantic, to complain of the honest verdict which has been deliberately pronounced against them, not by me, but by the inhabitants of their own province.

If your Lordship however will be good enough to

continue invariably to furnish me with a copy of the accusations they secretly write against me, this un-British practice will very shortly be discontinued.

I have, &c.

F. B. Head.

The Lord Glenelg, &c. &c. &c.

P.S. It is my intention to forward a copy of Mr. Charles Duncombe's petition to the House of Commons to the House of Assembly, as I conceive that tribunal to be the proper one for inquiry into the allegations it contains.

P.S. Nov. 27. I have purposely detained this despatch three weeks but no reply from Dr. Rolph has been received.

No. 100.

Toronto, Upper Canada,
14*th December*, 1836.

My Lord,

I have the honour to inform your Lordship that having proceeded in state to the Legislative Council Chamber to give assent to a bill, the Speaker of the House of Assembly addressed me from the bar of the House of Assembly as follows:—

"May it please your Excellency,

"We, his Majesty's faithful subjects the Commons of Upper Canada, recognising the duty which

we owe to our Sovereign and the loyal people whom we represent, and sensible that it is the anxious desire of your Excellency to accede to all our reasonable expectations, and to afford us every aid in removing all well-founded complaints, beg leave to present to your Excellency for the royal assent, a bill which has passed both houses of the legislature, to provide for the support of the civil government for the current year, and trust that the evils occasioned by withholding the supplies during the last session may thus be effectually removed."

I have, &c,

F. B. Head.

The Lord Glenelg, &c. &c.

CHAPTER VII.

History of the Downfall of His Excellency Lieutenant-General Sir Archibald Campbell, Bart., Lieutenant-Governor of New Brunswick—Its Political Effect upon me—Receive Intelligence that His Majesty's Government had assented to the Road Bills of the Old Assembly, which I had reserved—Earnestly remonstrate against Concessions to Democracy—Gratifying Result of the Metropolitan Elections—Commuted Pensioners—The Suspension of Cash Payments throughout the United States—The Legislature is convened—Despatch to the Colonial Office explaining the Insecurity to Property of Republican Institutions—Violent Struggle in the House of Assembly.

ALTHOUGH in my despatches to his Majesty's Government I could scarcely avoid, almost in self-defence, egotistically claiming for the Executive Government credit for the apparent result of its measures, yet I should do injustice to the people of Upper Canada were I now to deny to them the *sole* honour of a moral victory obtained by their fervent loyalty as well as by their deliberate attachment to our happy institutions.

Not only did their free, unbiassed verdict produce most beneficial results throughout the whole of the North American Colonies which with the utmost anxiety had been watching in Upper Canada the conflict between principles by which they themselves had been equally disturbed, but far above all did it offer

a morale of inestimable value to the mother-country itself: for surely it is impossible for any man to deny that, previous to the struggle in Upper Canada, there existed among all parties in England an impression, beyond the power of argument to efface, that democracy not only was indigenous to the soil of America, but that no other form of government could be made to flourish there.

But although every person acquainted with human nature knows how impossible it is at once to eradicate any firmly-rooted error, (for though you cut down the tree in America it requires ten or twelve years before the stumps rot,) yet the incontrovertible fact that the people of Upper Canada, when formally, appealed to at a general election, had deliberately, emphatically, and unequivocally declared themselves *in favour of monarchical institutions*, was a staggering blow to the popular error in the mother-country, which it was highly desirable to repeat before it could recover from it.

Never, therefore, had the British Government a nobler opportunity of forcing conviction on the public mind, and of calling upon it to surrender its prejudices and misconceptions.

Aware of all the facts which had occurred, surely it was the bounden duty of the Government to have magnanimously led the two Houses of the Imperial Parliament forward to reform, by frankly telling them to reform themselves, and, instead of mutilating,

to appreciate the blessings of time-tried institutions, which the inhabitants of Upper Canada had proved to possess the same intrinsic value on the continent of America, as they had possessed in the old country in its noblest days.

Far, however, from adopting this course, his Majesty's Government, just as if they had been mortified at the triumph which had been gained, and just as if they had determined that its salutary consequences ought immediately to be arrested, planned a measure which I humbly think to future ages will appear not only incomprehensible, but incredible!

It was of course utterly impossible for his Majesty's Government to order *me* to abandon the principle which before the whole continent of North America I had successfully maintained, namely, "that the Executive Council is not responsible to the people."

1. Because, as Lieutenant-Governor of the province, I had been supported in that principle by the voice of the people at the general election.

2. Because the Legislative Council had supported the same principle.

3. Because the House of Assembly, shortly after they had been elected, had adopted by a triumphant majority the following opinion (date 22nd Feb. 1836) of their Committee:—

"The question regarding the Executive Council it is perhaps unnecessary to discuss. Never was the public opinion more clearly, more emphatically expressed than on

that very subject, at the late general election. A large majority of your Honourable House was, as your Committee firmly believe, returned as advocating principles and opinions diametrically opposed to those contained in this second resolution." [*This second resolution of the House of Assembly in Lower Canada was to render the Executive Council of this province directly responsible to the representatives of the people,*" &c.]

" Your Committee, however, cannot let pass the opportunity of expressing their opinion, that the Governor, Lieutenant-Governor, or person administering the government of this province, is intrusted with the exercise of the royal prerogative within the same, and that he, and *not the Executive* Council, is constitutionally *responsible,* as well to the Sovereign as to the people of this province, for the impartial and upright performance of the duties of his office; a responsibility essential to the preservation of the rights and liberties of his Majesty's subjects in Upper Canada, and which it is the important duty of their representatives to maintain and enforce, and not to suffer that responsibility, so far as depends on them, to be weakened or destroyed, by transferring the whole or any portion of it to other parties; and that *any attempt* to transfer to the Executive Council this responsibility, and, as a necessary consequence, the power and patronage vested by law in the person administering the government, is in derogation of the constitutional charter, and would be dangerous to the liberties of the people, injurious to the stability of our social and political institutions, and utterly destructive of the ties which attach this colony to the British empire."

As it appears from the foregoing extracts how firmly the Legislature and inhabitants of Upper Canada stood

combined together heart and hand to resist the republican principle of making the Executive Council "*responsible to the people,*" it was with regret I received from the Colonial Office a despatch dated 25th July, 1836, in which after some highly complimentary sentences, it was ominously observed, "*His Majesty's Government look to no transient results or temporary triumphs !*"

That the results of the contest in which we had been engaged would not be "transient," or its "triumph temporary", were, at the time this despatch was written, as clear to every loyal subject in our North American Colonies as they have since been proved by the repeated repulses which the American people have met with wherever they have unjustifiably attempted to invade the Canadas for the purpose of forcing upon us their loathsome institutions. Still it was evident to me from the sentence above quoted —from the non-publication in England of my despatches announcing the moral victory that had been gained—and from the remarkable ministerial silence that had prevailed on the subject in both Houses of Parliament, that the Colonial Office was but little disposed to change its policy. I own, however, I was not prepared for the astonishing course which I will endeavour as shortly as possible to relate.

As if determined to fulfil its own prophecy by proving that in Upper Canada the "triumph" gained would be "temporary," and the results "transient,"

the Colonial Office, on the 30th September, 1836, addressed to me a despatch, which, after asserting a most melancholy axiom, namely, that "it is vain to suppose that any concession can be made to the General Assembly of any one of the North American provinces and withheld from the rest," enclosed to me copies of despatches and instructions to his Excellency Lieutenant-General Sir Archibald Campbell, Lieut.-Governor of New Brunswick, to which he was ordered to give general publicity, and which I was desired to consider, as far as they could be applied to Upper Canada, "as addressed to myself." The despatch then proceeded to say, "It has appeared to me (the Secretary of State) that it would be very desirable to accelerate the meeting of the Legislature of New Brunswick, in order that the nature of the proposed arrangements in that province might be well understood in both the Canadas and in Nova Scotia, before the opening of the regular session of the General Assemblies in those provinces. . . . . It is further my wish, that the meeting of the Upper Canada Assembly though postponed for some weeks after that of New Brunswick, should precede, by an equal period, the meeting of the Lower Province."

As the whole of the despatches to Sir Archibald Campbell have been published throughout every province in North America, I need hardly say, that the "proposed arrangements" which were thus

ordered to be effected, contained not only directions for the surrender of the casual and territorial revenues against which I had so humbly but so strongly remonstrated, but the following order to Sir Archibald Campbell :—" In making your selection (for seats in his Majesty's Executive Council) you will not confine yourself to a single class or description of persons, but will endeavour to ensure the presence in the Council of gentlemen representing *the various interests* which exist in the province, and *possessing at the same time* THE CONFIDENCE OF THE PEOPLE AT LARGE !"

By this most extraordinary and complicated arrangement, the triumph which the loyal inhabitants of our North American Colonies had gained over the demands of the Republicans was not only proved to be " temporary," but was *completely destroyed.*

Instead of allowing the Legislature of Upper Canada to continue to lead the way towards real reform by the merciless eradication of Republican principles, it was not only ordered to the rear, but as it were confined there in irons by the Colonial Office until the Lieutenant-Governor of New Brunswick could assemble the Legislature of that province, publicly to surrender to them, among other concessions, the very point which, before the whole continent, the Upper Canadian Legislature had successfully defended from the Republicans: for I submit to the intelligence of the civilised world, that this decision of the Colonial

Office respecting the Executive Council, when divested of the diplomatic language in which it was couched was a direct surrender of the question in dispute. I ask, first, whether it was constitutional to order that the Governor's Executive Council should be made "*to represent the various interests*" which were already represented in the House of Assembly; and secondly, whether there is any difference between the Colonial Office ordering the Executive Council "*to possess the confidence of the people at large,*" and the republican demand which the people of Upper Canada had resisted, namely, "*that the Executive Council must be responsible to the people?*"

But perhaps, after all, the most astonishing fact in the whole of this proceeding is, that not only these concessions, but various others, which were ordered to be promulgated by Sir Archibald Campbell throughout the *whole* of our North American colonies, appear to have been arranged in the Colonial Office by Messrs. Crane and Wilmot, two deputies from the House of Assembly of *New Brunswick!*

Without meaning, in any degree, to compare these two most respectable gentlemen with Mr. M'Kenzie still one would have thought that the fatal experience which the Colonial Office had so dearly purchased by listening to the latter individual would have proved the impropriety of the principle of legislating on *ex parte* statements, proceeding either from the people or from the representatives of the people, without refer-

ring them to the Lieutenant-Governor, Executive Council, and Legislative Council of the colony! The following extracts, however, of the despatches alluded to from the Colonial Office to Sir Archibald Campbell, clearly show, not only that the old system continued, but that *vires acquisiverat eundo.*

Extract of a despatch to Sir A. Campbell, dated Downing-Street, 31st Aug. 1836, and published in New Brunswick:—"I have also been in communication with these gentlemen (Messrs. Crane and Wilmot), as well on the matters to which the address adverts, as *on others connected with the colony.*"

A second despatch to Sir A. Campbell, dated 5th Sept. 1836, encloses—

"Copies of the correspondence which had passed on the subject of that address, and on other matters of a public nature between this department and Messrs. Crane and Wilmot, the gentlemen deputed by the House of Assembly *to represent them in this country.* Having communicated to Messrs. Crane and Wilmot *the draft of my despatch* of the 31st ultimo, I have received from them the enclosed observations upon it. I have also had with them personal communication on the subject. I now proceed to inform you in what respects his Majesty has, *in consequence,* been pleased to direct that the instructions contained in my despatch of the 31st ultimo shall be altered or modified.

"The first alteration proposed by Messrs. Crane and Wilmot is, that the Executive Council could, *in compliance with the wishes of the Assembly,* be at once enlarged, without waiting for the further deliberation contemplated in my

despatch of the 31st ultimo. On this point, his Majesty, after due consideration of the arguments urged by the House of Assembly, and of the representations of Messrs. Crane and Wilmot, is prepared to adopt the necessary steps for meeting *the wishes of the Assembly*."

It appears that these concessions to one branch only of the Legislature produced the natural effect of increasing, rather than of satiating, the voracious appetite of Messrs. Crane and Wilmot, for a third despatch to Sir Archibald Campbell, dated 10th September, 1836, referring to the two previous despatches observes—

"In one respect, the arrangements announced in the despatches just referred to are defective. They do not comprise any detailed explanation of the provisions of the Act, to be made for securing the civil list, and for the general sale of the Crown lands. I am yet engaged in correspondence with Messrs. Crane and Wilmot on these topics, and some time may, probably, elapse before *I can settle with these gentlemen* what are the precise terms in which those laws ought to be drawn up. You will not, however, postpone on that account the meeting of the Legislature, or the communications which are to be made to them."

The Legislature was ordered to be convened with the least possible delay, and the despatch to Sir Archibald Campbell then observes—

"Considerations applying not to New Brunswick alone, but to *the other* British North American provinces also, require that no time should be lost in giving *general publicity* to the proposals which you are authorised to make.

You will, therefore, take the necessary measures for convening the General Assembly, for the dispatch of business on the receipt of this despatch.

"On the meeting of the Legislature, you will, by a message, communicate to the Legislative Council, and to the Assembly, *copies* of my despatches of the 31st of August and of the 5th of September. It is my wish that no needless reserve should be practised on this occasion.

"The views explained in those despatches having been maturely adopted, after a full and careful investigation, it is desirable that they should be fully known, and clearly developed to the Legislative bodies of New Brunswick, and through them to the Legislatures of *the other British North American Provinces*."

The severe mortification which this infatuated course of policy of the Colonial Office produced in Upper Canada is indescribable. The Loyalists were again disheartened, the Republicans again exultingly, though untruly, boasted that the Home Government was with them.

His Excellency, Lieutenant-General Sir Archibald Campbell, seeing the effect produced, not only in New Brunswick, but *throughout all* the British North American Colonies, by the representations of a *single* pair of "delegates," from a *single* branch of the Legislature of a *single* province—feeling how completely his authority was superseded—how hopeless it was for him to attempt to maintain monarchical institutions, while the Colonial Office openly legislated on the democratic principle of "*delegates*," (the

very name of which was most offensive to the Royalists,) and openly disapproving, on constitutional grounds, of the mode in which the King's casual and territorial revenues were proposed to be surrendered—expressed himself to his Majesty's Government, in terms which will, probably, ere long, come to light.

On his Majesty's representative hesitating to surrender the revenues of the Crown, until he could merely receive an answer from the Colonial Office to the objections which, without loss of time, he had submitted to it, the House of Assembly, made impatient by their successes, immediately petitioned the King.

The following extract from a respectable paper will explain the sentiments as well as the fate of this gallant veteran, who (though I have never seen him, or corresponded with him) I believe, I may say, left his post honoured and respected by every loyal subject in Upper Canada.

It appears that the conduct of Sir Archibald Campbell, Lieutenant-Governor of New Brunswick, with respect to the Civil List, has excited so much of the displeasure of the Assembly of that province, as to induce them to despatch a deputation to England with an address to his Majesty, praying for the recall of Sir Archibald. To the committee who waited upon his Excellency with this address, the gallant veteran made the following reply—a reply worthy of the man and his services to his King and country :—

Reply of Sir A. Campbell to a Deputation from the House of Assembly, New Brunswick.

GENTLEMEN,

The conscientious rectitude of my own conduct render the subject of this address to me a matter of the most perfect indifference.

I have had the honour of serving his Majesty for nearly half a century, in almost every quarter of the globe; and I trust those services have been such as to suffer no diminution in the estimation of my Sovereign, from any representation that may be made by the House of Assembly of New Brunswick.

I need hardly say, that no one in our British North American colonies felt the shock of Sir Archibald Campbell's retirement more keenly than I did, for in his fate I clearly read, as addressed to myself, the words, "*Mene, Mene, Tekel, Upharsin.*" My hour, however, had not yet arrived; and I have, therefore, in the interim, to lay before the reader the following despatches, which will show the nature of the difficulties with which I continued to struggle.

No. 103.

Toronto, Upper Canada,
30*th December*, 1836.

MY LORD,

I have the honour to reply to your Lordship's despatch, No. 93, as also to one marked "*confidential*," and dated 30th September, 1836.

In the former communication I am informed that

his Majesty's Government has assented to twelve road bills, which at the close of the last session I had reserved. In the latter, I am furnished with copies of three despatches addressed through Sir Archibald Campbell to the Governors of all the North American Colonies.

Previous to reporting to your Lordship the embarrassment which has been occasioned here by the above communications, I beg leave to state that I am fully sensible that *any* general system or course of policy which it may be advisable to adopt throughout the North American Colonies, may, though generally beneficial, be productive of embarrassment in particular places. All I therefore desire to do is faithfully to apprise your Lordship of the effect which the despatches referred to have produced in this province.

In my despatch, No. 44, I had the honour to inform your Lordship, "that although, with the advice of my Executive Council, I had reserved all the money bills for the signification of his Majesty's pleasure, yet there were three of them, to which the Council concurred with me in recommending that the Royal Assent should immediately be given."

I added, "It would have given me much pleasure to have at once assented to these three bills; but I conceive it was of greater importance to maintain the principle, that the House of Assembly is not to be allowed to embarrass the Government, without also embarrassing the country, and that to withhold the

Supplies does not mean to stop the Government wheel, but the whole machinery of the Legislature."

With respect to the other twelve bills, I had much stronger reasons for reserving them; inasmuch as the expenditure of the money voted in each bill had, for well-known revolutionary purposes, been unconstitutionally committed to Republican Commissioners, which fact in my despatch to your Lordship, No. 64, dated 29th July, 1836, I endeavoured to explain as follows:—

"Before I set out, I am anxious to address your Lordship on the subject of the Commissionerships, which were passed by the House of Assembly during their last session, and which will be best explained by the enclosed copy of my reply to an address I received from the Township of Pickering.

"The sum voted by the House of Assembly of this province nominally for road-money, amounts to 50,000*l.* a year; and as this money is not only voted, but placed at the disposal of certain members of the House who are self-appointed by the Assembly as salaried Commissioners, it becomes a political engine of enormous unconstitutional power.

"The insidious uses to which it has been applied, have, I can assure your Lordship, been revolutionary; and I beg to call your attention to the fact, that, in the enclosed printed list, the name of Mr. Peter Perry occurs no less than six times."

Having thus submitted to your Lordship the rea-

sons for which I had reserved all the money bills of the late House of Assembly, I awaited your Lordship's justification of the measure, which in your despatch, No. 73, was, very much to my satisfaction, unequivocally expressed.

It now became necessary, that, previous to the meeting of the present Legislature, I should determine on the measures it would be advisable to recommend in my speech from the throne.

The addresses I received from both Houses in reply to this communication will ere this have explained to your Lordship that my proposed measures met with the cordial approbation of the Legislature; which accordingly at once set to work by appointing a joint committee to inspect and report on the state of the Welland Canal, and, indeed, on all the other important changes I had submitted for consideration.

Nothing could be more satisfactory and praiseworthy than the cool, business-like progress which the Legislature was making, and the complete government of all those feelings of triumph which it has been my earnest endeavour to discourage and suppress. No angry expressions had been uttered even in the House of Assembly; and after the storm it had experienced, the public mind was rapidly subsiding into a calm, when all on a sudden I received your Lordship's despatch, No. 93, dated 6th September, 1836, containing the Royal Assent to all the bills I had reserved, which not only confused the arrange-

ments the Legislature had commenced, but throughout the whole province caused the resurrection of the Republicans as political Commissioners, with large sums of money at their command.

On receiving this communication, my first impression was to suppress it: however, on reflection, it appeared to me, that I ought to allow myself to be driven by the Republicans from this province, rather than presume to stay the execution of the King's will; and accordingly, of two evils, choosing the least, I transmitted His Majesty's assent to the twelve bills to both Houses of the Legislature.

My Lord, I had not recovered from this shock, when I received the confidential despatch, dated the 30th of September, 1836, informing me that at the instigation of agents from only one branch of the Legislature of New Brunswick, your Lordship had deemed it advisable, through Sir Archibald Campbell, to promulgate to all the North American colonies that, among other arrangements, the Executive Council was to be increased in number, and henceforward to be composed of individuals "*possessing the confidence of the people*."

In my reply of the 5th of March last, to my late Executive Council, which had been honoured by your Lordship's approval, I had stated, "The Lieutenant-Governor maintains, that the responsibility to the PEOPLE, who are already represented by the House of Assembly, which the Council assumes, is unconsti-

tutional; that it is the duty of the Council to serve HIM, not THEM."

Your Lordship cannot have forgotten the total defeat which the Republicans experienced by rashly attempting to drive me from this invincible position; and as the British population of the North American Colonies were eager spectators of the conflict, your Lordship will, I am sure, pardon me for expressing the feelings of mortification and depression with which I now recollect the prophecies which, ever since the commencement of the political war I have waged here, have invariably foreboded that I should not be supported by the British Government.

"It is out of my power" (I stated in my despatch, No. 24, dated 6th of April last) "to describe to your Lordship, without the appearance of exaggeration, the joy and gladness expressed to me by all parties at the constitutional resistance I have made; but I will not conceal from your Lordship that there is one question at this moment in almost everybody's mouth, namely, 'Will the Lieutenant-Governor be supported by the Home-Government?' '*He never will,*' say the Radicals; '*We fear he will not,*' say the Constitutionists."

My Lord, there is no portion of your Lordship's instructions which I am not at this moment preparing to carry into effect. I have made it generally known that I am about to surrender to the Provincial Legislature the casual and territorial revenues of the Crown; and I have also informed the Chairman of a Com-

mittee of the House of Assembly, to whom the revision of the Land-granting Department has been referred, that, under certain restrictions, I am authorized by His Majesty's Government, moreover, to surrender to the Provincial Legislature the authority to regulate the disposal of the Crown Lands; but I regret to inform your Lordship, that the leading recommendation contained in the report of the said Committee on the Land-granting Department is, that the whole of the said Crown Lands shall at once be offered to the public, (or, in other words, to the *people*,) at the low price of five shillings an acre!

But who is there now in the province to resist this proposal?

The only individual who might be expected to protect the interests of the emigrant, is the Lieutenant-Governor, but I fear this expectation cannot now be realized; for by the late instructions to Sir A. Campbell, the Lieutenant-Governor, if he attempted to guard the Crown lands, would not only find the two branches of the Legislature against him, but his own Executive Council might reasonably argue, that unless they also opposed him, they would forfeit "*the confidence of the* PEOPLE;" and it is impossible to offer a more convincing proof of the reality of this danger, than by referring to the petition which, shortly after my arrival here, was forwarded to your Lordship, earnestly recommending, as surveyor-general of this province, a clerk in the office who (although a most loyal, gallant

subject) had been proved to have been acting contrary to express orders as private agent.

Your Lordship has only to review this singular petition, to perceive that it contains the names of almost every member of both Houses of the Legislature; and it therefore clearly follows, that had this appointment depended on the Provincial Legislature, it would most certainly have been carried into effect.

The necessity of protecting the emigrant from the rapacity of the settled inhabitant, has just been confirmed by the highest possible practical authority, namely, by Mr. President Jackson, of the United States, who, in his message promulgated last week, makes the following confession :—

(After commenting at considerable length on the President's speech, and on the preponderating influence which Messrs. Crane and Wilmot had obtained in the Colonial Office, the despatch proceeds as follows :—)

It will, I hope, be liberally construed as no want of attachment to your Lordship, or of fidelity to his Majesty's Government, if I acknowledge, that I feel jealous of the intervention of a new influence, alien to the constitution of this legislature.

The British Constitution has nothing whatever to fear from its low-bred antagonist Democracy, in America, if his Majesty's Government will not avert from us its support,

" ——— nought shall make us rue,
If England to herself do rest but true."

But, if the Lieutenant-Governors of our colonies be sentenced to contend with—

1. *Public opinion,* or, in other words, *the opinion of "the people."*

2. *The House of Assembly,* or the representatives *of "the people."*

3. An Executive Council required to possess *the confidence of "the people."*

4. Agents in England, enjoying the ear and confidence of his Majesty's Government, as being the representatives of the representatives of "*the people*:"

And lastly, if, as a general rule, all our colonies are to surrender whatever prerogative any one of them in particular may be deprived of, by which arrangement the weakest Lieutenant-Governor, whoever he may be, will lead all the rest, (which is certainly contrary to military tactics, for the guards at Waterloo never for a moment thought of giving up Hougoumont, because some of the Belgian infantry ran away,) I think your Lordship, on reflection, will perceive, that instead of crushing democracy in this continent, we shall actually be creating it in our colonies.

I have ventured to offer to your Lordship's impartial consideration the above suggestions, in opposition to Messrs. Crane and Wilmot's recommendations, that certain alterations should be made in those instructions which, on leaving England, I had the honour to receive from your Lordship.

Under those instructions, I had successfully contended with democracy in America, and, confident of the eventual result of this noble struggle, I had only required of his Majesty's Government "*the negative assistance of not being undermined at home.*"

The more seriously I contemplate the political tranquillity of this province, the more steadfastly am I confirmed in my opinion, that cool, stern, decisive, unconciliating measures form the most popular description of government that can be exercised towards the free and high-minded inhabitants of the Canadas.

I have, &c.

F. B. Head.

The Lord Glenelg, &c. &c. &c.

No. 1.

Toronto, Upper Canada, Jan. 13th, 1837.

My Lord,

The election of aldermen and common councilmen for the five wards of this city closed yesterday, and the result is creating so much sensation in this province, that I feel it my duty to communicate it to your Lordship.

Ever since the termination of the general elections in July last, the wreck of the republican faction, whose head-quarters are at Toronto, have been endeavouring to demonstrate, that the re-action which has taken place throughout the country was but the momentary effect produced by my replies to the addresses I received, and by the improper issuing

of patents, in short, that their outworks had been carried by a mere *coup-de main ;* and as the election for the metropolis approached, it was determined by the Radicals to display the power they yet possessed in their citadel, by electing as the new mayor, either Mr. M'Kenzie, or one of the three gentlemen (Dr. Baldwin,* *Mr. George Ridout,* or Mr. Small) who had been dismissed from office by me.

As it mattered but very little to me *who* was mayor of this city, I can assure your Lordship, that I scarcely ever gave the subject a thought, or indeed had time to do so: however, the electors of the city having been eye-witnesses of the conflict I had had with the Republicans—having been made acquainted with all the accusations urged against me by Messrs. Hume and Duncombe—having had an opportunity of observing, for two months, the practical working of the new House of Assembly, and of reflecting, for a year, on the course of policy I had adopted, they unequivocally expressed their verdict in my favour, by exterminating the twenty republican candidates from every single ward in the city, and by electing in their stead staunch Constitutionists, who, in every instance excepting one, had majorities of more than two to one over their opponents.

As not a single patent has been issued during the

* The name of this gentleman will, in conjunction with that of Mr. Ex-Speaker Bidwell, be shortly brought before the reader's especial attention.

elections, and as almost universal suffrage prevails, the political self-purification of this metropolis offers a moral which, I humbly conceive, does not require a comment.

I have, &c.

F. B. Head.

The Lord Glenelg, &c. &c. &c.

I now transmitted to the Colonial Office a very long despatch, enclosing the minute investigation, and unqualified vindication, by the House of Assembly of the charges brought against me in England, by Mr. Joseph Hume and Dr. Duncombe, of having carried the elections by "*the fabrication of votes.*" As these documents have been laid before the House of Commons, by his Majesty's Government, I need not here insert them.

No. 56.

Upper Canada, Toronto, May 5, 1837.

My Lord,

With reference to your Lordship's despatch of the 12th of January last, No. 130, in which is enclosed a letter from the Deputy Secretary at War, stating, that on being furnished with a list of the military pensioners referred to in my despatch of the 19th of October, 1836, No. 84, with full particulars of each man's case, the Secretary at War will consider whe-

ther any mode of relief to any of them is within his power, I have the honour to transmit to your Lordship a report from Emigrant agent A. B. Hawke, affording all the information he is able to impart.

As the three branches of this Legislature have already respectfully supplicated his Majesty in behalf of these miserable men, I feel it would be improper in me to say anything further in their favour. It will appear by Mr. Hawke's report, that an exact list of them cannot be obtained, and, consequently, that full particulars of each man's case cannot be submitted to the Secretary-at-War:—the following general description of their situation will however apply very nearly to them all.

The commuted pensioner in Upper Canada is an improvident veteran with whom the British Government has profitably made a hard bargain; having spent his best days in the service of his country, from severe service and hard drinking he has not remaining strength to gain in this climate sufficient subsistence, and consequently every winter he suffers most bitterly both from cold and hunger.

The braver he is, the less he complains; but his sufferings have at last attracted such general commiseration, that last year the legislature felt it their duty to address His Majesty on the subject.

If relief be withheld from these poor, worn-out, improvident men, another winter or two will be more than many of them can withstand. When all are

gone, the transaction, so far as regards the pecuniary saving, will undoubtedly be at an end; but I respectfully assure your Lordship, it is generally considered here that a little blot will remain upon the brilliant history of this province, which it will then be too late to efface.

I have, &c.,

F. B. Head.

No. 66.

Upper Canada, Toronto, May 30, 1837.

My Lord,

I have the honour to inform your Lordship that, with the advice of my Executive Council, I have this day determined to convene the Provincial Parliament of Upper Canada on the 19th of June.

I much regret this measure, as the Council agrees with me in the opinion, not only that there exists no real necessity for convening the Legislature, but that the proclamation will tend to ruffle the commercial tranquillity which at present exists throughout this province.

The apprehension that there would be a run on the chartered banks in Upper Canada, in consequence of their continuing specie payments, has proved to have been groundless. Nevertheless, your Lordship will easily imagine that it is impossible for me to act contrary to the policy of the surrounding states, without opposing a number of private interests, which have

lately been joined in a hue and cry for the assembling of the Legislature; and as I foresee, that whatever embarrassment the trade of this province may have to suffer, in consequence of the present unexampled state of the monied market, would be industriously declared to be the effect of the non-convention of the Legislature, I have deemed it advisable of two evils to choose the least, and meet a real difficulty rather than one which would be intangible.

I have no apprehensions respecting the result, and expect that the session will last only a few days.

I have, &c.

F. B. Head.

No. 82.

Upper Canada, Toronto, July 12, 1837.

My Lord,

I have the honour to transmit to your Lordship a copy of my speech on proroguing the Legislature of this province.

In my despatch, No. 66, dated the 30th of May, I explained to your Lordship the reasons which had induced me most reluctantly to convene the Provincial Parliament, and as soon as it assembled I experienced all the difficulties I had anticipated. I will endeavour to explain them to your Lordship.

The rapid improvements which for some years have been taking place in the United States have been a mystery which few people have been able to

comprehend. Every undertaking had apparently been crowned with success; every man's speculation had seemed to answer; the price of labour, although exorbitant, had everywhere been cheerfully paid, and money had appeared in such plenty, that it had profusely been given in barter for almost every commodity that came to market. In short, the country was triumphantly declared to be "*going a-head;*" and, as the young province of Upper Canada was observed to be unable to keep up, the difference in its progress was contemptuously ascribed to the difference in its form of government.

Monarchical institutions were therefore ridiculed, republican principles were self-praised, and democratic opinions were not only disseminated over this continent, but, crossing the Atlantic, they made their appearance in our own happy country, where it has lately been deemed by many people fine and fashionable to point to the United States of America as a proof that riveting religion to the state, and that nobility of mind, are to commerce what friction is in mechanics.

In the midst of all this theory, the whole commercial system of the United States suddenly was observed to tumble to pieces, its boasted prosperity being converted into a state of disorder altogether new in the moral history of the world, for the republic declared itself to be bankrupt, without even pretending to be insolvent: in short, its banks simultaneously

dishonoured their own notes, keeping specie which belonged to their creditors in their vaults. This example of the banks offered a pretext to any man to absolve himself from his debts by fictitious bankruptcy. The public creditors afar off, as well as those on the spot, had no power to save themselves, and under these circumstances a general distrust prevailed.

This sudden annihilation of national credit in the United States produced of course serious inconvenience and alarm in Upper Canada.

The mysterious prosperity of the Republic was now proved to have been produced by an imprudent and reckless system of discounting, which had supplied the country with more money than it was possible for it to repay: in fact, to lend money having been supposed to be quite as profitable a speculation as to borrow it, one debt had been contracted to pay another; the people had borrowed of the banks, the banks had borrowed of each other, and thus the credit system had been strained till it snapped.

The Chartered Banks of Upper Canada clearly read the moral which was brought so immediately before their eyes, and, taking warning from their neighbours, they naturally enough suspended their own discounts: this precaution caused a great deal of distress to all the farmers and merchants who had been in the habit of receiving from the banks what is termed "*accommodation*." The more the applicants

proved their inability to continue business unless they were assisted, the clearer the banks perceived the danger of relieving them.

The borrowers being thus unable to obtain money —the last year's crop of potatoes having failed—the public works being arrested—and the province being invaded by a number of emigrants, who were roaming about without the means of obtaining food or employment, it was natural that everybody should endeavour to search out the cause of the disorder which was observed to prevail.

The banks, perfectly sensible of the real reason, were silent, but an opinion was propagated which rapidly became popular; namely, that the distress which existed arose from the banks continuing their specie payments.

As soon as the Legislature was assembled, this theory was very strenuously discussed, but the members of the House of Assembly having, besides their public duties, a variety of borrowing and other private interests to represent, it was found almost impracticable for them to agree either respecting the disease or the remedy: the more the question was stirred the more turbid it became, and, as no party would consent to abandon their opinions, a Bill (see A.), which almost embodied them all, was framed, and, after considerable discussion, it was carried through the House by the following majority:—

For the Bill	33
Against it	16
Majority	17

In this Bill, First, the Chartered Banks (although they had never applied for the indulgence) were relieved from the forfeiture of their charters in case they should continue their business after they had ceased to redeem their notes in specie.

Secondly. The notes of all the banks in the province, chartered or unchartered, as well as the debentures passed during the last session of the Legislature for any sum over six pounds five shillings, were in effect made legal tender.

On this Bill coming to the Legislative Council it was amended as follows (see B.) :—

The power of allowing the banks to continue their business of banking, notwithstanding their suspension of cash payments, was placed in the hands of the Lieutenant-Governor in Council, and the making of notes or debentures legal tenders was cancelled.

On the amendments of the Legislative Council returning to the House of Assembly they were rejected ; and after a long-protracted discussion, which ended in nothing, a number of the members in despair made preparations for returning to their homes.

On the very eve of their departure, which was justly enough hailed by the Radicals as an event certain to produce a revolution in the province, the

House of Assembly became sensible of the calamity they were about to create.

The amended Bill of the Legislative Council was again considered, and, after a most desperate struggle between public and private interest, it was with a very few trifling alterations carried by a small majority, and, being accepted by the Legislative Council, it was assented to by me; and thus the question which had threatened to convulse this province (to say nothing of the effects it would have produced in Lower Canada) was satisfactorily settled and concluded.

The above account may induce your Lordship to conceive that the republican and constitutional parties in the House of Assembly of Upper Canada are nearly balanced, but this is by no means the case.

The policy of the Republicans has always been, and still is, to arrest improvements of every description, and, by encouraging whatever tends to create embarrassment and distress, to bring Monarchical Government into disrepute: instead, therefore, of endeavouring to conciliate private feelings, they artfully did everything in their power to irritate the discussion, whatever direction it took; and though, upon any other subject, they would totally have failed in their object, yet, in consequence of the feelings I have described, they certainly in this instance were very near obtaining it.

I have now explained to your Lordship the result of the extraordinary session which has just closed,

and it only remains for me to state the course of policy I intend to pursue.

I intend to recommend the banks to accommodate the public as far as in prudence they can do so; but as the penalty which attended the exhaustion of their coffers is now removed, or, in other words, as they would not now be obliged to discontinue their banking in case they should become unable to redeem their notes, it is my opinion that they should make no expensive exertions to obtain any more specie than they now possess, but that what they have got they should freely pay away. If, while they are pursuing this honest course, the United States or Lower Canada (finding that suspended bank-notes are not money) should be driven to return to cash payments, Upper Canada will then triumphantly have weathered the storm: if, on the other hand, no such events should occur, and that their coffers are consequently drained, still the good faith of the province will have been preserved; and, without desiring to value credit at more than its intrinsic worth, I have reason to believe that the banks themselves feel that the commercial character of Upper Canada is of more value, even to themselves, than the trifling cost of replenishing their vaults whenever this continent shall return to cash payments.

Although a violent and almost universal clamour has been raised against the continuance of cash payments, yet I feel proud in informing your Lordship,

that up to the present day no application has been made by any one of the Chartered Banks to the Legislature or to myself for permission to suspend. The power to grant this permission has now been placed by the Legislature into my hands.

If it be sought for, and if, after attentively listening to the arguments urged in its favour, I see reason to grant it, I will not hesitate to do so. On the other hand, your Lordship may depend that I will not be driven by clamour to give up the proud position which, by the integrity of the Chartered Banks, this province has up to the present moment been enabled to maintain.

I have, &c.

F. B. Head.

CHAPTER VIII.

The Colonial Office again legislate on ex-parte statements—Second Memorandum on the political state of the Canadas—Curious question respecting fugitive slaves—Third Memorandum on the political state of the Canadas—Embarrassment produced by the Colonial Office showing their Despatches to the Lieutenant-Governor, before he has received them, to a complaining Colonist.

The following despatch affords another example of the fatal propensity of the Colonial Office to legislate on *ex-parte* accusations, however small and insignificant the matter itself may be, if it gives the opportunity of casting anything like censure on that branch of the legislature whose duty it is to stand, whenever necessary, against the representatives of the people.

Government House, July 20th, 1837.

My Lord,

I have the honour to acknowledge the receipt of your Lordship's despatch (No. 73, dated 28th April, 1837), in which is transmitted to me a copy of a letter addressed to your Lordship by Mr. Egerton Ryerson, complaining of the conduct of the Legislative Council in having, "at the eleventh hour of the session, sent a Bill, authorizing a loan of 4100*l.* to the Trustees of the Upper Canada Academy, back to the Assembly, so amended as completely to defeat

the object of it, by providing that the Receiver-General should not advance any of the money granted by the Act, unless he had money in his hands for which he had no other use."

Having, as your Lordship is aware, advanced from the Casual and Territorial Revenue Fund the balance necessary for the payment of the war losses, I had no means of immediately paying to Mr. Ryerson the sum of 4100*l.*; nevertheless, being desirous that your Lordship's wishes should be carried into effect, I have given to Mr. Ryerson such a statement of my intention to advance the money in question, so soon as it can be procured, as will, I am happy to understand from him, enable him easily to obtain the amount from one of the provincial banks.

Having, I trust, thus fulfilled the spirit (although it has not been in my power to obey the letter) of your Lordship's instructions, I feel it due to the Legislative Council to explain to your Lordship that Mr. Ryerson's declarations against that branch of the Legislature are unmerited and incorrect.

The impression which Mr. Ryerson's letter to your Lordship seems designed to produce is, that the Assembly, being eager to encourage the Upper Canada Academy, had readily passed a bill to that effect through their House, and had in good time sent it up to the Legislative Council—that an amendment was there made to the bill, which was calculated and contrived to defeat it—that the bill and amendment

were purposely kept back *till the eleventh hour*, and then sent down to the Assembly, when it was too late to remove any difficulty.

The facts are as follows:—The session commenced on the 8th of November, and ended on the 4th of March. On the 24th of February the bill for granting aid to the Academy came up to the Legislative Council from the Assembly,—that is, within the last eight or nine days of a session of 116 days, and when the Legislative Council had probably forty or fifty other bills before them. It was read a second time on the 25th of February, was discussed in committee on the 27th, (the 26th being Sunday,) and was amended and returned to the Assembly on the 28th. On the same day that bill was sent up among other bills sent from the Assembly; and after the 28th of February, when it was returned amended by the Council, I understand that the Assembly sent no less than twenty-six bills, which, with very few exceptions, were passed through the Council, and became laws.

From the foregoing statement, it is clear—1st, That the Legislative Council *could* not have returned the bill in question *early*, because it came to them *late*.—2ndly, That the bill, when it did come, was passed through all its stages without *delay*.

Now, with respect to the merits of the amendment, on adverting to the Acts passed in the last session, your Lordship will perceive that about a million

and a half of money was granted by the Legislature, and the province being already in debt, the Acts, generally speaking, provided for raising by loan the monies required to meet these new grants.

The bill to which Mr. Ryerson refers simply granted 4000*l.* out of the *unappropriated monies* in the hands of the Receiver-General, and made no provision for borrowing the 4000*l.* on debenture.

The Legislative Council knew that, after the grants which the Assembly had made, there would not be 4000*l.* in the Receiver-General's hands unappropriated, and, consequently, that if the bill passed into a law, either it would be a delusion, or the Receiver-General would be embarrassed by the conflicting demands of persons claiming money granted by several Acts passed on the same day.

Under these circumstances, the Council added the following proviso to the bill:—"Provided always nevertheless, that the monies granted by this Act shall not be paid by the Receiver-General, unless there shall remain in his hands unappropriated monies, after the payment of the charges imposed upon the provincial revenue under any Act or Acts heretofore passed, and also of any monies granted during the present session for the support of the Civil Government, or to defray any charges attending the public revenue."

This precautionary limitation, that in case there should not be unappropriated money for all the

claimants, the charges for the public service voted during the same session should be first defrayed, is what Mr. Ryerson, in his letter to your Lordship, terms " a proviso, that the Receiver-General should not advance any money granted by the Act unless he had money in his hands for which he had *no other use*."

I understand that the Archdeacon of York (alluded to so severely by Mr. Ryerson, as having been hostile to the bill) was not even present when the amendment was framed, discussed, and passed. I am informed that he took no part in the bill, except voting for it, as he did for an act of incorporation of a Roman Catholic College, passed in the same session; that the amendment was framed by the speaker of the Council, who is a private contributor to the building of the Academy, and who, I understand, strongly advocated in the Council the expediency of giving to the institution the public support that had been prayed for.

I feel confident your Lordship will read with interest and with satisfaction this vindication of a branch of a Legislature which, I respectfully assure your Lordship, requires the firmest possible support, in order to encourage it to continue uncompromising hostility and opposition to the House of Assembly, whenever it may constitutionally be necessary to do so.

I have, &c.

F. B. Head.

Having written this despatch, I thought it highly salutary that the principle contained in the *last paragraph* should be promulgated in the colony, and I accordingly sent it in a message to the House of Assembly, who, far from being offended at it, continued, like the free people they represented, to give me their support. I mention this fact, to prove how unnecessary it is, in our North American provinces, unconstitutionally to seek for momentary popularity by making improper and therefore degrading concessions to the representatives of the people.

Second Memorandum on the Political State of the Canadas.

Upper Canada, Aug. 29th, 1837.

My Lord,

In communicating to me a copy of the Resolutions which it was the intention of her Majesty's Government to bring forward in the House of Commons respecting Lower Canada, your Lordship was pleased to conclude your despatch to me, No. —, dated Feb. 18th, 1837, as follows: "I shall look forward with much anxiety for a full communication from you on the subject, &c."

Besides being thus officially invited to furnish her Majesty's Government with my opinions respecting the measures proposed to be adopted towards Lower Canada, I had a natural inducement to do so, from the political connexion which exists between the two provinces: for I need hardly observe to your

Lordship, that it is useless for Upper Canada to be expending 300,000*l.* in rendering the upper portion of the river St. Lawrence navigable, if the lower waters are to remain impassable, our access to the ocean, as well as our prosperity, being dependent on the tranquillization of the Lower Province.

As my residence here had of course enabled me to form an opinion on the measures proposed to be introduced by her Majesty's Government, and as that opinion was solicited, I should not have withheld it, except for the reason that, as your Lordship's communication reached me too late for my opinion to be of any practical use, I felt it would be only vexatiously embarrassing the Government were I to transmit it. I therefore determined to be perfectly silent on the subject, and, if the same reasons existed, I should still remain so; but, seeing that the remedial resolutions of the Imperial Parliament, as I anticipated, have totally failed in their effect; seeing that the House of Assembly of Lower Canada have again refused the supplies; that Mr. Papineau's language has become more insulting than ever, and that his agents here are openly preaching revolt,—I feel that, as her Majesty's Government will be now driven to determine what is next to be done, I have no excuse for any longer withholding my opinions, and I accordingly, reluctantly and respectfully, submit them for consideration.

My Lord, the portion of this globe from which I

am now addressing you is the most favoured region which it has ever been my humble fortune to visit. The freshness and elasticity of the Canadian air—the peculiar blueness of the sky—the magnificence and utility of the great lakes—the unexampled exuberance of the soil—the indication of mineral wealth—and the abundance of timber and fuel—form altogether a rich picture, which it is beyond the power of the artist to delineate. With respect to the inhabitants, I will only say that, so far as I am competent to judge of them, they are worthy of the free country they inhabit.

The British population have lost none of the noble qualities which distinguish their race. The French Canadians retain all the social virtues which adorn the character of the French, without their propensity to war.

Blessed with these advantages, the Canadas ought to be happy; but, on the contrary, the Upper Province was, and the Lower is, apparently, on the brink of revolution.

Where, it will be asked, does the blame rest? I respectfully reply, neither upon the surface of the country, nor upon the morals of its people; but upon the *conciliatory* measures which, under successive administrations, have been unremittingly applied by the Colonial Office.

If, in common law, respectable evidence be deemed sufficient to substantiate any accusation, surely, in

politics, concurrent opinions such as the following ought not to be rejected.

1. The British population of Lower Canada deeply lament the course of policy which the Home Government, for many years, has been pursuing. 2. So does the loyal British population of Upper Canada. 3. The Chief Justice, the Law Officers of the Crown, every faithful public servant in this province, silently evince their sorrow at the concessions which have been made, and which are still being made, to those few designing men, who, for self-interested objects, have been long labouring to subvert the British Constitution. 4. So do I, the Lieutenant-Governor of the province. 5. So does Sir John Colborne, the Commander of the Forces in the Canadas. 6. So do the British troops, who, although, generally speaking, regardless of politics, cannot here avert their minds from circumstances which are so glaringly before them, and which they foresee tend to haul down the colours that from their boyhood they have been taught to venerate.

If her Majesty were suddenly to arrive in the Canadas, there is no one among those I have enumerated who would not be proud to follow her with devotion, from Niagara to Quebec. If a representative of our colonial policy were to appear here, I do declare to your Lordship, that in my humble opinion he would be seen to traverse the Canadas alone. And now, my Lord, who is the individual

who ventures to bring these truths before your Lordship's mind? Why, one who is indebted to your Lordship for a selection in his favour almost unparalleled, who has obtained, through your Lordship's recommendation, hereditary rank, and, who at this moment, feels most deeply that all he has ever written, instead of offending your Lordship, has most liberally been pardoned and overlooked.

As your Lordship's accredited agent, as one whose especial duty it is to act towards his principal with honour and fidelity, the evidence I offer to your Lordship is entitled to respect.

The concurrent opinions, which I have just stated to your Lordship, might once have been termed theoretical; but they have now not only been reduced to practice, but the proof has been, as it were mathematically, worked out both positively and negatively.

1. The conciliations which Lord Gosford has been commanded to make in Lower Canada as well as those almost promised by inference in his late speech, have ended in *anarchy*.

His Lordship's generous character, his high-minded integrity, his rank, his fortune, his affability, his amiability, all have failed to produce political tranquillity; his moral power has gradually sunk under the experiment—he has now "*lost all but his honour*."

Again, in New Brunswick, the concessions made

to Messrs. Crane and Wilmot have equally failed in satisfying that country. These gentlemen, as agents from the House of Assembly, obtained the surrender of the casual and territorial revenue. When their own scale was thus heavily laden, they next asked that the salary or influence of their Governor might inversely be lightened; when this was granted, they returned in triumph, their Governor, retiring from the conflict, yielding to them the field; but the bonfires were hardly extinguished, when Mr. A. Wilmot, I perceive from the journals, proposed that the Executive Council should be converted into persons "*possessing the confidence of the people*," which, in these Colonies, means nothing more nor less than that the Governor's head is to be emptied of its contents, and then stuffed with republican brains.

2. In Upper Canada, the opposite or negative process, I mean the unconciliatory course of policy has, it cannot be denied, practically tranquillized the province. It has not only completely overthrown the enemies of the British Constitution, but, in a very great degree, has effected their conversion. Hundreds of men who leaned with their whole weight against the Government, so long as they found it bend to their pressure, suddenly stood erect to defend it, the instant it resolutely commanded them to keep off. People of the most violent politics have lately acknowledged themselves to have been in error; and even the late Speaker, Mr. Bidwell himself, who was the avowed republican associate of Mr. Papineau, now

openly declares that he deeply regrets the course he was led to pursue.

I could proceed to prove to your Lordship, that the policy I have humbly pursued has very numerous supporters, even in the United States; but I will not seek for evidence beyond the limits of Her Majesty's dominions. I will merely observe to your Lordship, that the success which has been obtained in Upper Canada is not adventitious; but that it is a result which, in my very first despatch, dated the 5th February, 1836, to your Lordship, I distinctly foretold as follows :—

"As far as I have been able to judge, I should say that the republican party are implacable, that no concession whatever will satisfy them, their self-interested object being to possess themselves of the Government of this province, for the sake of lucre and emolument.

"Under these circumstances, I conceive that the great danger I had to avoid was the slightest attempt to conciliate any party, and that the only course for me to adopt was to act fearlessly, undisguisedly, and straightforwardly, for the interests of the country—to throw myself on the good sense and good feeling of the people, and abide a result which, I firmly believe, will eventually be triumphant."

Having concluded the foregoing preliminary observations, I will now very shortly proceed to submit to your Lordship, not my remarks respecting the late resolutions of the Imperial Parliament, for as they have passed it is useless now to discuss them, but my humble opinion of the course which should henceforward be adopted. I therefore respectfully recom-

mend Her Majesty's Government to frame their future policy upon two unalterable determinations.

1. Nolumus Leges Angliæ mutari.

2. We will not retain possession of the Canadas by force of Arms.

[I mean by this —

1. We will not mutilate the British Constitution in our Colonies by concessions to Democracy.

2. Let us govern by moral power, and not by military force; (i. e. "Let's clap the padlock" on the affections of the people.)]

My Lord, I have no hesitation in saying, that if these two maxims are mildly but firmly maintained, truth, reason, and justice will overpower the factious opposition that is now offered to us, and that a splendid moral triumph will be the result.

Much might be written on this subject, but with the voluminous details which are already before the Government, I feel that the deliberate result of my opinion will be less troublesome to your Lordship than a statement of the minute arguments on which it has been founded.

The servants of the Crown in Lower Canada ought, I conceive, to be immediately and for ever made independent of the House of Assembly, by an act of the Imperial Parliament.

I have, &c.

F. B. Head.

The above official opinions, like all which I have humbly offered, were deemed unworthy to be laid before the Imperial Parliament. The British Con-

stitution in our colonies was weakened again by concessions, and then, to prevent its falling, it was found necessary to support it by force of bayonets.

No. 112.

Upper Canada, Toronto, 8th October, 1837.

My Lord,

I have the honour to submit to your Lordship sundry documents, as per Schedule, respecting the case of Jesse Happy, a fugitive slave, who has been demanded from me by the Governor of the Commonwealth of Kentucky on a charge of horse stealing.

Your Lordship will perceive the reasons for which, by the advice of my Executive Council, I declined to deliver up this man, who continues a prisoner in Hamilton Gaol, until he should have had time to procure affidavits of the facts set forth in the various petitions I have received in his behalf.

Your Lordship will also perceive it is by the advice of the Council that I now respectfully beg leave to draw the attention of her Majesty's Government to this case as a matter of general policy.

I believe no one is disposed to deny that the Canadas, as well as the United States, are much benefited by that portion of the provincial statute which, for the general purification of society, encourages each to claim from the other persons guilty of felony.

To this arrangement I have invariably given all

the assistance in my power; and in a late instance, although very great exertions were made to induce me to refuse to surrender a man demanded by the authorities of New York, on a charge of having robbed the Rochester Bank, yet, in spite of the arguments and recommendations in his favour, I gave him up, and have since learned that he has confessed his guilt.

I have also to inform your Lordship that in a case which was brought before me only a few days previous to that which is the subject of this communication, I insisted on giving up to the Governor of the Commonwealth of Kentucky a slave who, in order to effect his escape, had been guilty of stealing his master's horse. I submit to your Lordship a copy of a petition I received in this man's favour, with my reply thereto, and have to inform your Lordship that the under-sheriff was attacked in endeavouring to carry my orders into effect; that two men were killed and others wounded in the affray, which ended in the escape of the prisoner, which is now the subject of judicial investigation.

I mention these facts to satisfy your Lordship that I am by no means desirous that this province should become an asylum for the guilty of any colour: at the same time the documents submitted with this despatch will I conceive show that the subject of giving up fugitive slaves to th authorities of the adjoining republican states is one respecting which

it is highly desirable I should receive from her Majesty's Government specific instructions.

It is quite true, that if a white man who has stolen a horse from the Commonwealth of Kentucky comes with it, or without it, to this province he is by the statute I have alluded to liable to be given up on demand to the neighbouring authorities; and it certainly does seem to follow that a black man ought not to expect, because our laws grant him personal freedom, that he should moreover claim from them emancipation from trial for crimes for which even British-born subjects would be held responsible: Yet on the other hand it may be argued that a slave escaping from bondage on his master's horse is a vicious struggle between two guilty parties, of which the slave-owner is not only the aggressor, but the blackest criminal of the two. It is the case of the dealer in human flesh *versus* the stealer of horse-flesh; and it may be argued that, if the British Government does not feel itself authorized to pass judgment on the plaintiff, neither should it on the defendant.

The clothes and even the manacles of a slave are undeniably the property of his master, and it may be argued, that it is as much a theft in the slave walking from slavery to liberty in his master's shoes as riding on his master's horse; and yet surely a slave breaking out of his master's house is not guilty of the same burglary which a thief would

commit who should force the same locks and bolts in order to break in !

Besides these observations on the general principle of the measure, the objections urged to its practice are as follows :—

It is alleged, that after a slave surrendered by the Lieutenant-Governor of Upper Canada has been tried in the United States, and acquitted of the offence laid to his charge, he is sure to be taken back to slavery by his old master; and that, to obtain this object, it is notorious that false affidavits can always be obtained, in a slave state, against any runaway slave. It is therefore argued, that giving up a slave for trial to the American laws, is, in fact, giving him back to his former master ; and, therefore, that until the republican authorities can separate trial from such unjust punishment, that, however willing we may be to give up a man to the former, we are justified in refusing to deliver him up to the latter, unless sufficient security be entered into in this province, that the person delivered up for trial shall be brought back to Upper Canada as soon as his trial or the punishment awarded by it shall be concluded.

It is argued, that the republican states have no right, under the pretext of any human treaty, to claim from the British Government, which does not recognise slavery, beings who by slave-law are not recognised as *men*, and who actually existed as brute beasts in moral darkness, until on reaching British

soil they suddenly heard, for the first time in their lives, the sacred words, "Let there be light, and there was light!" From that moment it is argued they were created *men*, and if this be true, it is said they cannot be held responsible for conduct prior to their existence.

Having now furnished your Lordship with the principal arguments which are used against the course I myself have adopted in one slave-case, and have only hesitated to adopt in another, I beg leave respectfully to recommend that instructions on e subject may without delay be transmitted to the Lieutenant-Governor of this province.

I have, &c.

F. B. Head.

Third Memorandum on the Political State of the Canadas.

Toronto, 18*th November*, 1837.

My Lord,

Being sensible that your Lordship will be desirous to receive authentic information not only of the general state of affairs in the Canadas, but of the particular course of policy which is being pursued in each of the provinces, I have the honour to enclose to your Lordship a copy of a second letter, which has been expressly despatched to me by Sir John Colborne, with a copy of my reply thereto.

These letters, short and familiar as they are, contain

a moral of considerable importance, for they indisputably shew that the Canadas are each acting on a principle diametrically opposed to the other—the Lower Province centripetally drawing to itself as much military force as it can collect; the Upper Province centrifugally discarding every British soldier from its territory.

My Lord, it is I conceive undeniable, that for many years Mr. Papineau has been labouring to separate the Canadas from the mother-country. To effect this object by force he has been perfectly sensible would be impossible; he has, therefore, been endeavouring to attain it by means which may almost be termed constitutional, namely, by seeking the intervention and authority of the Imperial Parliament.

For this purpose, a member of the House of Commons (Mr. Roebuck) has been paid by the House of Assembly of Lower Canada to expatiate on grievances, and to declare at all times and in all places to those who have no personal acquaintance with the Canadas, that the people there are *restless, dissatisfied, yearning for republican institutions, and that, unless the never-ending, still-beginning concessions they require are granted, another American war must be the result.*

In order to corroborate these vague statements by evidence, Mr. Papineau's policy has been to involve each succeeding Governor in a quarrel with the

House of Assembly, to keep up an endless war between the two Houses of the Legislature, as well as between the Assembly and the Executive Council. Besides this, in order to create discontent among the people, all great improvements have been discountenanced, immigration has been taxed, and every artifice has been resorted to, practically, to convince them that there really must exist something in the management or rather mismanagement of their country, which required "reform."

While Mr. Papineau was himself working out this revolutionary formula in Lower Canada, he well knew it would be absolutely necessary he should promote a conspiracy in the Upper Province—accordingly Mr. Joseph Hume was selected to echo Mr. Roebuck's complaints in the House of Commons, while Mr. Bidwell was to be the mimic in Upper Canada of Mr. Papineau himself.

By pointing out grievances with one hand, and preventing their correction by the other, a small republican party in this province managed to create discontent, and gradually to obtain a majority in the House of Assembly; and the revenue of the province being thus at their disposal, they availed themselves of every possible opportunity to pay and employ those only who, by disseminating falsehood, would create discontent.

Under this malign influence people in the remote districts conceived that every difficulty they met in

the backwoods proceeded from the British Government; and as it was invariably stated to them that if they were under a republic they would instantly be relieved, they had every possible temptation to revolt. The republican agents had the power of worming their way to these poor people by paths, on which it was believed nothing proceeding from the Government could be made to travel: the rebel party fancying therefore that the ignorance in which their victims were involved could not be dispelled, openly boasted of their triumph, and in the House of Assembly instantly evinced the most treasonable disposition.

My Lord, affairs were in this state: the House of Assembly of Lower Canada had published their ninety-two resolutions; the Assembly of this province (although they pretended to have attachment to the mother-country) were advocating an Executive Council responsible to the people, an elective Legislative Council, and were openly insulting the Executive, when I arrived in this province. And yet with all these advantages Mr. Papineau knew perfectly well that the day had not arrived for attempting to carry his object *by force;* with every desire to do so, HE WAS AFRAID: in short he knew quite well that, though the dissemination of his poison had sickened loyalty, it was not yet dead!

The result of the exertions which I humbly made proved the accuracy of his judgment.

By addressing the people in homely language I revived the loyal spirit in Upper Canada, and by resorting to reason instead of military force, I became at last enabled by the assistance of the former to dismiss the latter from the province.

I mention these facts to your Lordship for the purpose of showing the impolicy of our now allowing Mr. Papineau to enjoy the triumph of making it appear that we retain possession of the Lower Province only by force of arms.

If Lower Canada were to be governed by reason instead of by force, I beg leave to ask how could it possibly separate itself from the British Empire?

If the Republicans of the two provinces, united, were afraid to attempt it, what chance has one to attain it, now that its comrade has turned against it? Suppose that by a *coup-de-main* Mr. Papineau could gain forcible possession of Montreal and of the fortress of Quebec, what could they be worth to him but a hempen neck-cloth? Would the British population be annihilated? Would there be no reaction? Would Upper Canada submit to a republic between it and the ocean? I can assure your Lordship that Mr. Papineau's dominion, like his life, would hang only by a thread. Between the British navy on the one side, and the brave militia of Upper Canada and of New Brunswick on the other, he would find himself a wild elephant between two tame ones.

It may appear strange that Mr. Papineau, whose

abilities have been proved by the demoralization they have effected, should at this moment be occupying a position so completely untenable; but the fact is, he triumphs by the weakness of our conduct, and though he is in reality a ruined man, yet he has managed by impudence and artifice to gain the very darling object he has for so many years ardently been striving for: in short, he has summoned eight British regiments into his province not *to fight*, but to be quoted in the House of Commons as undeniable evidence that we require military force to retain possession of that country.

My Lord, although I cannot deny the fact of the presence of the troops, yet I do respectfully submit to your Lordship, that Mr. Papineau has managed to obtain them by illegitimate means and by false pretences.

The force at present in Lower Canada is unnecessary; but we have had recourse to it from the same unfortunate aberration that has hitherto induced us not only to submit to Mr. Papineau's insults, but to bow before them in proportion to the insolence with which they have been inflicted. From the extreme of submission we have suddenly flown to the extreme of anger; and influenced in both instances by our passions, Reason and Justice, which in government are invincible, have passed unheeded.

It is now late in the day to repent of our policy;

but there is yet time not only to confess, but to correct the errors we have been guilty of.

My Lord, I respectfully recommend her Majesty's Government immediately to abstract all the troops rom Lower Canada excepting those necessary to garrison Quebec and Montreal.

As soon as the political atmosphere shall be thus purified, let Mr. Papineau, if he dare, attack the Queen's Government, and the British population of our North American Colonies; let him, if he dare, take forcible possession of the Lower Province.

Instead of encouraging the loyal inhabitants of both provinces ignominiously to lean upon our troops, let us allow them to fight if necessary for themselves, for their families, and for their liberties; and if this policy be mildly but firmly pursued, the civilized world will cheer us in our path, and, as I have before ventured to assure your Lordship, a brilliant moral victory will be the result.

I have, &c.

F. B. Head.

P.S. Since writing the above, I have just received from an officer sent expressly to me from Montreal by Sir John Colborne, a letter urging me to despatch to Lower Canada some companies of our militia for five months' service, as Sir John observes, "*If we do not immediately take active measures to*

arm and organize our friends, the province will be lost."

I have the honour to enclose a copy of Sir John Colborne's communication, with my reply thereto, which will explain to your Lordship the reasons which, in my opinion, forbid me at present to comply with his request.

Notwithstanding the state of the Lower Province as reported to me by the officer commanding the forces, I remain still of the opinion already expressed in this despatch, namely, that her Majesty's Government should immediately abstract all the troops from Lower Canada, excepting those necessary to garrison Quebec and Montreal.

I am perfectly sensible that this recommendation will appear extraordinary to your Lordship, when contrasted with the pressing exigencies of Sir John Colborne. I will, therefore, endeavour to explain opinions which I can assure your Lordship I have not the slightest desire to advocate.

If Mr. Papineau and his followers were *a foreign enemy*, it would be desirable that the party which possessed the greatest quantity of physical strength should predominate: but the French *habitans* of Lower Canada are as much her Majesty's subjects as the British troops, and in the present state of the civilised world, I do maintain that a civil war must henceforward be a moral one; and that victory will eventually declare itself in favour of moral and not

of physical preponderance. The peace, welfare, and stability of society depend upon the maintenance of this principle; and such is the *momentum* of public opinion, that I feel confident no power on earth can now-a-days prevail which attempts to withstand it.

I submit to your Lordship, that no government is justified in attacking its own citizens until it has previously gone through the forms of endeavouring to govern them by firmness and reason. A government need not be firm, nor need it be reasonable, but the fatal consequence of its being neither one nor the other is that it exists in an unfit state suddenly to put down rebellion by force; for what is despotism but *government sans reason?*

My Lord, I say nothing against the unfortunate by-gone system of conciliation which has hitherto been adopted in Lower Canada—I will even admit, for argument's sake, that the Government was *right* to try the experiment,—but I respectfully maintain that it is not justified in flying from it to the opposite extreme without having had recourse to the middle regimen I have described. But it is argued that the British population is in actual danger, that the Lower Province "will be lost" unless we have immediate recourse to physical force, and, consequently, that it is now too late to philosophise on the subject. I conceive that the argument is the same as if a man who had commenced to build his house on a bog were to insist on continuing it because he had already completed

its first story. It is true the removal of the building would be mortifying and expensive, but, if it were impossible for it to stand, the sooner it were abandoned the better.

My Lord, I conceive that no quantity of British troops would be sufficient to put down agitation in Lower Canada, or even to protect every person in that province from open violence. The cumbersome attempt on our part to do all this by soldiers would appear to the world a series of aggressions, which would sooner or later excite sympathy in favour of Mr. Papineau and his adherents.

On the other hand, if, sheathing the sword, we were at once to place ourselves on the defensive, and openly await the very evils we are now trying to avert, Mr. Papineau would then be driven either to give up agitation or to *become the aggressor*, in which latter case we (I mean the British population of the North American colonies) should instantly gain in moral power infinitely more than we had laid aside in military force.

I submit to your Lordship, that in military strength Mr. Papineau has no chance whatever of successfully contending against the British empire. Let us, therefore, equally be his superior in that moral power by which our possession and protection of the Canadas must eventually be decided.

F. B. H.

The foregoing opinions (which by her Majesty's

government were not deemed worthy to be included among those submitted to the Imperial Parliament) clearly show that I had totally failed to foresee the invasion of our colonies by our American allies. I own, however (and the confession should shame them), that it never entered into my heart for a moment to conceive that, while American friendship was standing smiling at our side, its hand was only waiting until we faced our difficulties to stab us in the back! "Experience," they say "makes men wise," but where in the page of the history of civilised nations was such experience to be learned? It is recorded for the first time; and I humbly submit that I am much less deserving of blame for not having anticipated this attack than is the British nation, who, although the event has *actually* happened, can scarcely even now, by argument or facts, be persuaded to believe what the conduct of the American authorities has been.

To repel this unprecedented attack of faithless friends the whole energies of the British Empire should, if necessary, be directed, just as they should be directed to repel an invasion of our colonies by the power of France or Russia. But, leaving this unnatural contingency out of the question, and returning to the domestic government of our North American colonies, I beg leave to say that, barring foreign invasion, I most unalterably adhere to the opinions expressed in the foregoing despatch: for I well know that I speak the sentiments of the British population of our North Ame-

rican colonies, when I say that if, instead of sending out seven-and-twenty regiments, her Majesty's Government would send out only one man, who, standing alone among them, would promise the people that, while he lived, the institutions of our empire should *never be changed*, a universal British cheer would resound throughout our colonies, and "Reports" of alleged grievances would be heard of no more. When the people of Upper Canada were appealed to, did they not strictly fulfil the prophecy by responding to the call? And is it not an historical fact, that the brave inhabitants of New Brunswick, with their Lieutenant-Governor at their head, stood not only ready, but earnestly *wishing* to be called? Grievances! Separation from the mother country! Hatred to British institutions! *Natural* attachment to democracy! Commissions of Inquiry, one after another, may in our colonies no doubt collect complaints in detail, just as they would be collected from every regiment and every line-of-battle ship in our service, were we to pay people for searching for them; but, let the enemy appear, let the British colours be hauled up, and let our people but see the foe who unjustifiably advances to deprive them of their liberties, and in one moment all complaints are forgotten!

The following despatch affords another sad example of the endless embarrassments which the Lieutenant-Governors of our provinces suffer

from the eaves-dropping system of our Colonial Office.

No. 127.

Upper Canada, 27th Nov., 1837.

My Lord,

I have the honour to transmit to your Lordship a pamphlet entitled "the Correspondence of the Honourable William Morris with *the Colonial Office as the delegate from the Presbyterian body in Canada.*"

I have also the honour to transmit a copy of a communication which, in consequence of the above publication, I directed my civil secretary to address to the Moderator of the Synod.

Your Lordship will, from the above document, perceive the inconvenience which has arisen from allowing "*a delegate*" from this province the entire perusal in Downing-street of a despatch which it is left to my judgment to determine whether the whole or a part only should be published in Upper Canada.

With respect to the intemperate, uncalled-for language contained in the pamphlet, I have only to request that your Lordship will be so good as to compare it with the accusations lately made against the Attorney-General of this province, from the effects of which that officer as well as her Majesty's Solicitor General are still suffering.

I have, &c.

F. B. Head.

Is there another public office in the state—in the world—which would permit its conditional or discretional orders to its confidential servants to be thus perused, while the matters were still pending, by interested or hostile individuals, whose known purpose was to thwart them?

CHAPTER IX.

Three ultimate causes of my Resignation—1. Dismissal of Judge Ridout—Order from His Majesty's Government for his Restoration—2. Appointments of Attorney and Solicitor General arrested by his Majesty's Government—3. Reasons for not elevating Ex-Speaker Bidwell to the Bench—His Majesty's Government communicate their desires for his Elevation—My refusal to obey their Orders—The Republican Party unmask themselves and attack Toronto—Despatch to His Majesty's Government—Important Moral in it suppressed.

THE following despatches will speak for themselves. No preliminary observations are necessary, as the dates will sufficiently explain that, in consequence of the rebellion which had already broken out in Lower Canada, a corresponding insurrection was naturally to be expected in the Upper Province, and, consequently, that it was more than ever politic that I should give encouragement to the loyal, and discouragement to that party who were on the very eve of a rebellion.

If I had been governing by force of arms, *they* would have been sufficient; but, having yielded to the Lower Province Her Majesty's troops, I had nothing left to support me but a strict adherence to that plain moral rule which bids all nations, as well as all individuals, keep up a just distinction between their enemies and their friends.

No. 72.

(COPY.)

Toronto, Upper Canada, 12th Sept., 1836.

MY LORD,

I have the honour to transmit to your Lordship the accompanying memorial from Mr. George Ridout, complaining that he has experienced unjust treatment from me.

The facts attending this gentleman's dismissal from his situations of Judge of the District Court of Niagara, of Justice of the Peace, and of Colonel of Militia, are shortly as follows :—

On the 27th March last, Mr. George Ridout, heading the deputation, read that address to me from a public meeting held at the City Hall, by Dr. O'Grady (the editor of the *Correspondent and Advocate*) and others which I forwarded to your Lordship on the 6th of April last, in my despatch No. 24.

Shortly afterwards Mr. Ridout made a declaration which became the subject of general conversation, that, in the event of his being dismissed by me from office, "*I should deserve to be tarred and feathered, and that he would lend a hand to do so.*"

In one of the public offices in Toronto he declared that we must or should now have "*war to the knife.*"

Mr. George Ridout was a frequent attendant as well as speaker at the Constitutional Reform Society, from which was widely circulated a printed address

signed by Dr. Baldwin, of which the following is an extract :—

"It is our duty solemnly to assure you, that the conduct of Sir Francis Bond Head has been alike a disregard of Constitutional Government, and of candour and truth in his statements."

Mr. Ridout declares he is not a *member* of this society, yet from his frequent attendance and speaking at the meetings of this society, before as well as after it had, for mere electioneering purposes, changed its name (only a few weeks ago) from the "Alliance" to the "Constitutional Reform Society," I felt I had a right to consider him as an active member.

Previous, however, to declaring him to be such, I took the precaution of obtaining a legal opinion on the subject, which was that Mr. G. Ridout most decidedly did *appear* to be an active member of the said Society.

It is perfectly true that old Mr. Ridout was a loyal, gentlemanlike, and estimable man, and it was from a benevolent desire to reclaim Mr. G. Ridout, his son, from radical principles, that the situations he held were successively heaped upon him by Sir Peregrine Maitland and by Sir J. Colborne ; but the more he was favoured the more violent he became, and when, as a judge and colonel of militia, he talked about tarring and feathering the King's representative, I considered it was my duty to inform him that his Majesty had no further occasion for his services.

I may add that, shortly after my arrival here, I myself took a great deal of trouble to endeavour to reclaim Mr. George Ridout, and kindly to persuade him of his errors, but in vain.

I have, &c.

(Signed) F. B. Head.

The Petition of George Ridout, of the city of Toronto, in Upper Canada, Barrister-at-Law,

Sheweth,

That your petitioner, a native of Canada, and son of the late Honourable Thomas Ridout, Surveyor-General, was appointed a Lieutenant in the Militia by the late Major-General Sir Isaac Brock, a name ever dear to this province, and with whom he was present at the battle of Queenston.

By the ordinary progressive steps, and a service of more than seventeen years, your Petitioner rose to the rank of Colonel of the 2nd Regiment East York Militia, in the room of the Honourable John B. Robinson, appointed to fill the high office of Chief Justice of this colony in 1830.

That your Petitioner's appointment to the honourable, though not lucrative situation, of Judge of the Niagara District Court, was conferred upon him, in 1828, by Sir Peregrine Maitland, late Lieutenant-Governor of this province.

During the administration of his successor, Sir John Colborne, your Petitioner discharged the duties of these situations, so much to the satisfaction of that officer, that he

was appointed a Justice of the Peace for the Niagara district. That your Petitioner was treated with kind consideration both by Sir Peregrine Maitland and by Sir John Colborne, though he voted for gentlemen who were deemed the Reform candidates.

That thus in practice, as well as by the King's instructions, your Petitioner found the principle recognised, that every elector has a right to exercise his own judgment, without fear or apprehension, and to indulge in such political opinions as are consistent with his duty to his King and country, without fear of proscription.

Aware also of the unrestricted liberty he had enjoyed under the government of Sir P. Maitland and Sir John Colborne, he hesitated not to follow the course he had hitherto pursued; and at the late election for this city gave his vote, for the second time, in favour of his brother-in-law, the late member, and a Reformer, as he believes, in the spirit of Lord Goderich's despatch, and to that only.

The election for the city of Toronto closed on the 23rd June last; but no intimation of the intention of Sir Francis B. Head to punish your Petitioner for his vote reached him until the 15th July, after the result of all the elections had been ascertained; and the time chosen for making this communication was, when your Petitioner was in the discharge of his duty as Judge of the Court at Niagara, although his residence is at Toronto.

The reasons assigned for your Petitioner's dismissal from the various honourable situations he held are totally without foundation, as will plainly appear from the correspondence between your Petitioner and the private secretary of his Excellency, Sir Francis Bond Head. That this may admit of no doubt, your Petitioner submits the evidence

hereto annexed.* Your Petitioner respectfully refers the same papers, hereto annexed, shewing the unavailable exertions he made to procure redress from Sir F. B. Head, for the injustice suffered, and the necessity imposed upon him of appealing for that redress to his Majesty's Government.

Your Petitioner feels the injustice done him the more sensibly, not only because he has been punished, although not guilty of the charges alleged to him; but persons who took an active part as members of the societies alluded to, have been permitted to do so with impunity; whilst others holding lucrative and important situations under Government, clerks in offices, and even messengers, in defiance of the King's instructions, have attended the polls from Riding to Riding, during the late elections; and they used every exertion, even to intimidation, in order to obtain votes for the candidates known, or supposed to be acceptable, to Sir F. B. Head.

If the inhabitants of this most important province are to

* N.B.—The papers appended to this petition are

1. Communication from Mr. Joseph.
2. Mr. G. Ridout to Mr. Joseph.
3. Colonel Coffin to Mr. Ridout.
4. Mr. Ridout to Colonel Coffin.
5. Mr. Ridout to Colonel Coffin, demanding a Court Martial.
6. Colonel Coffin to Mr. Ridout.
7. Petition to Sir F. B. Head.
8. Certificate, that G. Ridout opposed the formation of the Society, under the principles that Mr. M'Kenzie had moved. Signed by Dr. Morrison.
9. Certificate, that George Ridout does not belong to the Society.
10. Minute from Osgoode Hall Law Society, that George Ridout was appointed treasurer for 1830.

adopt a new line of conduct for every successive Governor that may be ordered out, whose views may differ from each other as to the interpretation of the King's instructions; if proscription is to follow acts previously deemed not only harmless, but constitutional, and even entitled to favour, because a new Governor adopts a policy diametrically opposite to that of his predecessor—then must the situation of the honest inhabitants of Upper Canada be deplorable indeed. The natural consequence must be, that men accustomed to the equal and steady application of known rules and laws, and to the mild sway of the British Government, will abandon the country, and the emigrant will avoid so frightful a tyranny.

Convinced that your Lordship will not sanction injustice, nor permit any man, however exalted in station, to use the power delegated to him for the use of his Majesty's subjects, to be exercised in their oppression, I appeal, with the utmost confidence, from the decision of Sir Francis B. Head to the justice of his Majesty's Government, for such redress as a gentleman of unblemished honour, and a loyal British subject, has a right to expect.

All which is humbly submitted.

(Signed) GEORGE RIDOUT.

Toronto, Upper Canada, 12th August, 1836.

Government House, 12th July, 1836.

SIR,

I am commanded by the Lieutenant-Governor to call your attention to the enclosed printed address, which has lately been widely circulated by, and "on behalf of a" society, of which it appears you are an active member.

The Lieutenant-Governor desires me to observe, that the

language contained in this address has hitherto remained unnoticed by him, only from his determination not to interfere with that public verdict which he felt confident the country would clearly express. But *as the elections are now over,* his Excellency considers that in order to maintain the happy constitution of this province inviolate, it is absolutely necessary, in obedience to the King's instructions, that no person should be permitted to retain any office of trust or confidence under the British Government, who attempts (however unsuccessfully) to insult the Lieutenant-Governor of the province by language such as is contained in your society's address. His Excellency, therefore, deems it his painful duty to direct me to inform you that his Majesty has no further occasion for your services as Judge of the Niagara District Court, and Justice of the Peace.

I have, &c.

George Ridout, Esq., Toronto.

(Signed) J. JOSEPH.

(COPY.)

The Constitutional Reform Society of Upper Canada to their fellow Reformers.

The difference between Sir Francis Bond Head and the House of Assembly, growing out of the resignation of the late Executive Council, has led to a dissolution of Parliament. The unanimous representation of the late Executive Council, severally signed by the Honourable Peter Robinson, the Honourable G. H. Markland, Honourable Joseph Wells, Honourable J. H. Dunn, and Robert Baldwin and John Rolph, Esqrs., we declare to be moderate, just, and constitutional. The refusal of Sir F. B. Head to allow the Executive Council to discharge the duties ob-

viously belonging to their office, and imposed by their oath, of advising the Lieutenant-Governor upon our public affairs, preparatory to his final and discretionary action upon those affairs, betrays a disposition, as a stranger, to conduct the government in an arbitrary, unsafe, and unconstitutional manner, which the House of Assembly, unless traitors to us, could not sanction or grant supplies to uphold.

The fifty-seven rectories could not by law have been established without the advice and consent of the Executive Council of the province ; and their recent establishment and endowment, with their exclusive ecclesiastical rights and privileges, is a practical and melancholy proof of the indispensable necessity of a good and honest Executive Council, alike possessing the confidence of the King and the people. It is our duty solemnly to assure you that the conduct of Sir Francis Bond Head has been alike a disregard of constitutional government, and *of candour and truth* in his statements to you. We therefore appeal to you most earnestly not to abandon your faithful representatives at the approaching contest, but by your manly conduct prove yourselves worthy of good government and honest public servants.

(Signed)

W. W. Baldwin, President.

(copy)

Adjutant-General's Office,
Toronto, July 20, 1836.

Sir,

With reference to the communication which has been made to you this day by Mr. Secretary Joseph, I am commanded by his Excellency the Lieutenant-Governor to acquaint you, that for the reasons assigned in that commu-

nication, his Majesty has no farther occasion for your services as Colonel of the Second Regiment East York Militia.

I have the honour to be,

Sir,

Your most obedient servant,

(Signed) N. COFFIN,

Adjutant-General of Militia, Upper Canada.

To George Ridout, Esq.

(Signed) N. COFFIN,

Adjutant-General of Militia, Upper Canada.

(COPY.) *Toronto, July* 14, 1836.

SIR,

Whilst in the discharge of my duty as a public officer at Niagara, yesterday, I had the honour of receiving your letter of the 12th inst., communicating to me that for reasons assigned by Mr. Joseph, his Majesty had no further occasion for my services as Colonel of the 2nd Regiment of East York Militia.

As I have fully answered Mr. Joseph's communication, and I hope satisfactorily shown that there was no foundation for the reasons therein assigned, it will be unnecessary for me to add anything farther, than merely to remind you that among the dismissals, no allusion is made to the situation I held of acting Judge-Advocate on the approaching court-martial at Cobourg, and to beg of you to consider this a sufficient notice of my resignation of that office.

I have the honour to be,

Sir,

Your most obedient servant,

(Signed) GEORGE RIDOUT.

N. Coffin,

Adjutant-General of Militia.

(COPY.) *Toronto, 14th July,* 1836.

SIR,

Not being aware that any act of mine could be construed into a sufficient justification for the extraordinary step lately taken in dismissing me from the colonelcy of the second Regiment East York Militia, unless the vote for my brother-in-law can be considered a sufficient pretext, a privilege it is pretended that every elector has a right fearlessly and independently to exercise, I take the liberty of demanding a court-martial.

I have the honour to be, &c.

(Signed) GEORGE RIDOUT.

To Colonel Coffin,

Adjutant General of Militia, &c. &c. &c.

A true Copy. (Signed) N. COFFIN,

Adjutant General of Militia.

(COPY.)

Adjutant-General's Office,

Toronto, July 20, 1836.

SIR,

I have had the honour to submit to his Excellency the Lieutenant-Governor your letter of the 14th instant, which, I must observe, was only brought to my office by your clerk yesterday; and am commanded by his Excellency to inform you, that as you are no longer an officer of Militia, it would be proper, in order to bring you to court-martial, that you should be reinstated in the rank you formerly held, an arrangement which his Excellency declines to sanction.

His Excellency deems it scarcely necessary to observe to you, that it was not for having voted for your brother-in-

law that you were removed from the situations you held in his Majesty's service.

I have the honour to be, Sir,

&c. &c. &c.

(Signed) N. COFFIN,

Adjutant-General of Militia.

A true Copy. (Signed) N. COFFIN,

Adjutant-General of Militia, Upper Canada.

MEMORANDUM.—The original letter, of which this is a copy, was, by his Excellency's commands, returned to the writer the day after its receipt.

J. JOSEPH.

Toronto, 27th July, 1836.

To His Excellency Sir F. B. Head, Knight, &c. &c. &c., and Lieutenant-Governor of Upper Canada.

May it please Your Excellency,

I have the honour to state for your information that I find by a letter addressed to me by the Adjutant-General of Militia, that your Excellency refuses me a court-martial, but admits that I have not been removed from the situations which I held in his Majesty's service for voting in favour of my brother-in-law at the late election.

In bringing my case under the notice of his Majesty's Government it is material that the facts should be truly stated. I beg therefore to remind your Excellency that I am fully prepared to prove, as mentioned in a former communication, that the reasons assigned by your Excellency for depriving me of office are totally without foundation. Why should I hesitate to speak the whole truth? They are *altogether untrue.*

The only other reason which I could think of was my

vote, which your Excellency, as appears from the Adjutant-General's letter, admits not to have been the case. The clear and undeniable inference therefore is, that, in as far as depends upon your Excellency, I am disgraced and turned out of office under false pretences, and because it is your pleasure.

Such a course of proceeding will not be approved of by my gracious Sovereign, so just and tender in the exercise of his power, nor will his Majesty countenance oppression on the part of those to whom he has delegated a portion of his authority, or suffer them, if guilty of injustice, to pass unpunished.

It will scarcely be credited in the House of Commons, or by the British public, that a man, who has served without a view to reward during a bitter war, should be insultingly oppressed by one—a stranger to the province, as your Excellency is—a stranger to the services of many of its inhabitants—but clothed with a little brief authority, intrusted to you by the Colonial Minister, and listening to evil, irresponsible advisers, exercises that power in the violent reckless manner in which it has been directed against me.

After discovering that the reasons assigned for my dismissal were untrue, and that there was no just ground for such a proceeding, the honourable course would have been to have restored me instantly to my offices, with such apologies for my wounded feelings as one gentleman owes to another whom he has unjustly aspersed.

But as this has not been done I feel myself justified in stating to his Majesty's Government that I have been treated with the grossest injustice, without even the shadow of misconduct on my part, for the reasons assigned are totally without foundation.

If, however, even at this late period, your Excellency has any other reasons than those given, which have been hitherto kept back, I am willing to allow them every weight; nor shall I attempt, when informed of their existence, to suppress or lessen their just influence with his Majesty's Government in the statement which I am about to forward.

If no other reasons are produced, I have a right to consider your Excellency's conduct to me inconsistent with your duty as the representative of my gracious Sovereign; and, as I can expect no redress at your hands, it only remains for me to appeal to the justice of the Imperial Government.

I have, &c.

(Signed) GEORGE RIDOUT.

Toronto, 18*th August*, 1836.

SIR,

In compliance with established rule I now enclose to his Excellency the Lieutenant-Governor my memorial to Lord Glenelg, and pray that his Excellency will be pleased to forward the same to his Lordship without delay.

I take the liberty of stating, that by *private conveyance* I send to his Lordship a copy of the memorial now enclosed, and of the papers and evidence attached to it.

I have, &c.

(Signed) GEORGE RIDOUT.

To John Joseph, Esq., Civil Secretary
to His Excellency the Lieutenant-Governor, &c. &c. &c.

Home District. UPPER CANADA.

Alexander Stewart, of the city of Toronto, carpenter, maketh oath and saith, that he was present at a large

meeting held in the said city, about the month of January, in the year 1835, when William Lyon M'Kenzie, Esq., proposed to form a political society, called the Alliance Society of Upper Canada, and at the same time submitted a series of resolutions for the adoption of the said society. That George Ridout, of the said city, barrister-at-law, was opposed to Mr. W. M'Kenzie's resolutions, and opposed the foundation of a society on the principles contained in those resolutions.

This deponent further saith, that he believes the said George Ridout has not, since the above-mentioned period, joined any political society in this province.

(Signed) A. STEWART.

Sworn before me, at the city of Toronto, Upper Canada, the Fifteenth day of August, One Thousand Eight Hundred and Thirty-six.

(Signed) T. D. MORRISON,
Mayor.

TO WHOM IT MAY CONCERN.

The subscribers hereto, severally filling the offices attached to their respective names in the Alliance Society of Upper Canada, do declare that George Ridout, of the city of Toronto, barrister-at-law, did not, at any time since the organization of the said society, *become a member thereof.*

Dated this 12th day of August, 1836.

(Signed) T. D. MORRISON, President.*
JOHN M'INTOSH, Vice Pres.
JOHN E. TIMS, Sec.
T. PARSONS, Sec.

* This certificate, from four of the most violent Radicals in Upper Canada, cunningly avoids meeting the accusation against Mr. Ridout, namely, that because he constantly attended and spoke at the meetings in question, he *appeared* to be an active member.

To whom it may Concern.

The subscribers hereto, severally filling the situations attached to their respective names, in the Constitutional Reform Society of Upper Canada, do declare that George Ridout, of the city of Toronto, barrister-at-law, did not, at any time since the organization of the said society, become a member thereof.

(Signed) W. W. Baldwin, Pres.
Francis Hincks, Sec.
James Leslie, Treas.

City of Toronto to Wit. } Upper Canada.

I, Thomas D. Morrison, Esq., Mayor of the city of Toronto, do hereby certify that Alexander Stewart, of the city of Toronto, carpenter, whose affidavit, taken before me, is hereto annexed, is a person to me well known—that he is a person of respectable character, and worthy of full credence.

I do hereby also certify that the names, T. D. Morrison, John M'Intosh, J. E. Tims, T. Parsons, W. W. Baldwin, Francis Hincks, and James Leslie, subscribed to the certificates on the preceding page, are of the respective handwritings of the said persons, and they held the several offices mentioned in the said certificates, and placed opposite their respective names, in the societies therein mentioned.

Given under my Hand and Seal of Office, this Fifteenth day of August, in the year of our Lord, One
(L. S.) Thousand Eight Hundred and Thirty-six.

(Signed) T. D. Morrison,*
Mayor.

* Lately tried for high treason, and has since left the province.

Home District, }
ss. } UPPER CANADA.

Michaelmas Term, 10 *Geo.* IV.

At a convocation of the Law Society, held in the Court House, on Monday, the 1st day of Michaelmas Term, in the tenth year of the reign of King George the Fourth,—

PRESENT—

Henry John Boulton, Attorney-General,
Christopher Alex. Hagerman, Solicitor-General,
William Warren Baldwin, Esq.
Darcy Boulton, J., Esq.,
George Ridout, Esq.,—
Thomas Ward, Esq.,

It was moved by W. W. Baldwin, Esq., seconded by the Solicitor-General, C. A. Hagerman, that George Ridout, Esq., be appointed Treasurer for the remainder of the year, ending in Hilary Term next; a vacancy having occurred by the elevation of the former Treasurer, John B. Robinson, to the Bench as Chief Justice; and resolved accordingly.

Hilary Term. 10 *Geo.* IV.

At a convocation held at the Law Society Library, on Monday, 28th day of December, 1829, being in the Term in Hilary, in the tenth year of the reign of King George the Fourth,—

PRESENT—

Henry John Boulton, Esq., Attorney-General,
Christopher Alex. Hagerman, Esq., Solicitor-General,
William Warren Baldwin, Esq.,
Jonas Jones, Esq.,
John Rolfe, Esq., and
Simon Washburn, Esq.,—

It was proposed by the Solicitor-General, that George Ridout, Esq., be Treasurer for the ensuing year, that is, until Hilary Term next; and resolved accordingly.

Hilary Term, 1 *William* IV.

At a convocation held at the Law Society Library, on Monday, the 27th day of December, 1830, being in the Term in Hilary, in the 1st year of the reign of King William the Fourth,—

PRESENT—

George Ridout, Esq., Treasurer,
William W. Baldwin, Esq.,
Simon Washburn, Esq.,
James Esmall, Esq.,
Robert Baldwin, Esq.,
William H. Draper, Esq.,—

It was moved by Simon Washburn, Esq., and resolved, That George Ridout, Esq., be continued Treasurer for the ensuing year, that is, until Hilary Term next.

Treasurer's Office, Osgoode Hall.
CITY OF TORONTO.

I hereby certify the above to be a true extract from the Journals of the Law Society of Upper Canada.

Given under the Seal of the Society at Osgoode Hall, this 20th day of August 1836.

(Signed) R. B SULLIVAN,
(L. S.) Treasurer.

(COPY.) *Government House, August* 22*d*, 1836.

SIR,

I have the honour to acknowledge the receipt of your letter of the 18th inst., enclosing a memorial to Lord Glenelg, with the accompanying documents, which you request the Lieutenant-Governor to forward without delay.

I beg leave to inform you that I placed them in his Excellency's hands on Saturday evening, as he was preparing

for his journey to Kingston, and was directed by his Excellency to acquaint you that he would transmit your Memorial, with its enclosures, to the Secretary of State, as soon as he should return to the Government House.

I have, &c.

(Signed) J. Joseph.

George Ridout, Esq., Toronto.

Reply to the above Case.

No. 113.

(copy.) *Downing-street, Aug. 29th,* 1835.

Sir,

I have received your despatch of the 10th September, No. 72, enclosing a memorial addressed to myself, by Mr. George Ridout, dated on the 12th of the preceding month of August, in which Mr. Ridout appeals to his Majesty's Government, against your removal of him from the offices of Colonel of the Militia, Judge of the District Court of Niagara, and Justice of the Peace.

In deliberating on the advice which it became my duty to submit to the King on this occasion, I have thought myself obliged to exclude from my consideration, every ground which has been alleged in defence of your proceeding against M. Ridout, which was not assigned by yourself, in your correspondence with that gentleman.

In general, I should consider it unjust to subject any man to humiliation and punishment, for reasons

which he has not had an opportunity of controverting; but in Mr. Ridout's case, there are peculiar motives for adhering to this principle.

In his letter of the 27th July, he combatted both by argument, and by evidence, the single charge preferred in your private secretary's letter, and then proceeded as follows:

"If, however, at this late period, your Excellency has any other reasons than those given, which have been hitherto kept back, I am willing to allow them every weight; nor shall I attempt, when informed of their existence, to suppress or lessen their just influence with his Majesty's Government, in the statement which I am about to forward."

Thus, distinctly apprised, that Mr. Ridout proposed to appeal against your decision, and with so unequivocal a demand for an opportunity of repelling every accusation which you might design to bring against him, I think you were reduced to the alternative, either of disclosing to him *all* the grounds of your proceeding, or of leaving the appeal to be decided by his Majesty, upon those grounds exclusively, which you had so disclosed.

Adverting, then, to the only charge against Mr. Ridout, and of which he was apprised in your private secretary's letter of the 1st of July, I find it to have been, that he was an active member of a society, by which a very objectionable address had been widely circulated.

Mr. Ridout does not deny either that the address

was indefensible, or that it had been widely circulated, or that it had originated with the society in question. But he does, in the most positive terms deny, that he was a member of that society, or that he had even seen the address, until it met his eyes in a printed form, in the course of its circulation through the province, or that he was in any sense responsible for it, either as author or publisher. To these peremptory contradictions of the facts alleged against him, he adds, that he attended at the meeting at which the society in question was established, and opposed its formation on the principles contained in the resolutions brought forward by its author. This statement is corroborated by the affidavit of Mr. Stewart, who states himself to have been present on the occasion.

Such is the state of the question, as it is presented to me by your despatch and its enclosures. I have sought in vain for any proof that Mr. Ridout was a member of this society, or that he in any manner partook in the publication of the objectionable address. I am compelled, therefore, to come to the conclusion, that the charge is not only unsupported by proof, but that, to a great extent, it is actually disproved, as it is in every point directly contradicted.

But, in absence of evidence as to the fact, you have referred me to the legal opinion of the Solicitor-General of Upper Canada, who states, that Mr. Ridout most decidedly did appear to be an active member of that society.

It will, of course, not be ascribed to any want of

respect towards Mr. Hagerman, if I observe, I do not understand why any legal reference is necessary in this case. The question involves no legal principle, but relates to a simple matter of fact. Mr. Stewart, though describing himself as a carpenter is, I think, far more entitled to speak with authority on this occasion than the Solicitor-General of the province, because the former possesses, and the latter does not possess, a personal acquaintance with what actually occurred, and, because Mr. Stewart was present, and Mr. Hagerman was absent when the society was formed, and when Mr. Ridout is said to have protested against its formation.

It is with the deepest reluctance that I overrule a decision publicly adopted by you, especially in a case of the present nature. I have, on every occasion, felt and, as I trust, have evinced, the utmost solicitude to afford you all the support and countenance in my power in the discharge of your arduous duties. But it is superfluous to say, that every consideration must yield to the irresistible claims of justice, and for the reasons which I have mentioned, I find it impossible to dispute Mr. Ridout's pretensions to be reinstated in his various offices. I have accordingly, to convey to you his Majesty's commands, that Mr. Ridout should be permitted to resume the various employments from which he had been removed. I refer to your own judgment the mode of proceeding to carry these instructions into effect.

It will afford me most sincere pleasure, if you shall be able to reconcile the prompt and complete execution of them, with the protection of your own authority from the danger to which I am well aware it may be exposed by the measure which I am thus compelled to adopt.

I have, &c.

(Signed) GLENELG.

Sir Francis B. Head, K. H., &c. &c. &c.

No. 13.

(COPY.)

Toronto, Upper Canada,
6th February, 1837.

MY LORD,

I have the honour to acknowledge the receipt of your Lordship's despatch, No. 113, which only arrived here on the 6th instant, in which, referring to my having removed Mr. George Ridout from the offices of Judge of the District Court of Niagara, Colonel of Militia, and Justice of the Peace, your Lordship states, "It is with the deepest reluctance that I overruled a decision publicly adopted by you, especially in a case of the present nature . . I have therefore, accordingly to convey to you his Majesty's commands that Mr. Ridout should be permitted to resume the various employments from which he has been removed."

As the refutation of the last set of accusations

made against me, namely, those made by Messrs. Hume and Duncombe, were despatched to your Lordship only two days ago, (thus completing the victory which, after a year's hard fighting, I have managed to gain over the opponents of the British constitution,) it was with some little disappointment and surprise, that I received from his Majesty's Government a communication amounting almost to a dismissal, not in the lenient form of being relieved, but by being publicly rendered incompetent to retain my station.

When my predecessor, Sir John Colborne was ordered by your Lordship to lay before the House of Assembly of the province he governed your Lordship's decided disapprobation of his conduct, he preferred at once to tender his resignation, a course which I believe almost every man of honour, who has ever been placed in similar circumstances, has deemed it incumbent upon him immediately to adopt.

I feel however so confident that I can succeed in bringing conviction to your Lordship's mind that I am as innocent of having acted unjustly towards Mr. Ridout, as I have been proved to be innocent of the various allegations brought against me by Messrs. Hume, Duncombe, Baldwin, Bidwell, Rolph, &c. that I have determined to submit to the consideration of his Majesty's Government the following statements and observations.

It is perfectly true that in the month of July last I dismissed Mr. Ridout from the situations of Judge

of the District Court of Niagara, Colonel of the Militia, and Justice of the Peace, alleging to him, as the grounds of my doing so, that he Mr. Ridout *appeared* to be an active member of a society which had widely circulated a printed Address signed by Dr. Baldwin, Judge of the Surrogate, of which the following is an extract:

"It is our duty solemnly to assure you that the conduct of Sir F. B. Head has been alike a disregard of Constitutional Government, and of candour and truth in his statements to you."

It is also true that Mr. Ridout declares he "had nothing to do with drawing up the Address alluded to—that he had never seen it, until it met his eyes in a printed form—that he was not a member of the Society from which it had proceeded—and that at the meeting at which the Society in question was established, he opposed its foundation on the principles contained in the resolutions brought forward by its author (which latter statement, I admit, is corroborated by the affidavit of Mr. Stewart, a carpenter, who declares he was present on the occasion)."

If your Lordship will be so good as to refer to the letter from my Secretary to Mr. Ridout, you will perceive that it was not stated by me that Mr. Ridout had drawn up the Address alluded to, or that he had ever seen it till it met his eye in a printed form, or that he was a member of a Society from which it proceeded. All that was declared was, that the paper

"had been published by a Society" of which Mr. Ridout, long after it had been placarded all over the province, continued to "*appear to be an active member.*"

I need hardly observe to your Lordship, that Mr. Ridout, as a Judge of the District Court, must have known perfectly well that many a man has been hanged as an accomplice in a murder, who never saw it committed; and that when a Society of avowed republican principles has placarded and published in the newspapers a gross and wilful insult upon the King's representative, any officer in the service of his Majesty's Government might even legally be considered an accomplice by constantly attending the said meeting, most especially if, like Mr. Judge Ridout, he was heard to utter the most inflammatory speeches; but the following instructions to me from your Lordship on this subject admit of no misinterpretation.

"I further unreservedly acknowledge that the principle of effective responsibility should pervade every department of your Government, and for this reason, if for no other, I should hold that every public officer should depend on his Majesty's pleasure for the tenure of his office. If the head of any department should place himself in decided opposition o your policy, *whether that opposition be avowed or latent*, it will be his duty *to resign his office into your hands*; unless this course be pursued, it would be impossible

to rescue the head of the Government from the imputation of insincerity, or to conduct the administration of public affairs with the necessary *firmness* and *decision*."

I most respectfully submit to your Lordship whether his Majesty's Government, after giving me the above instructions to act with firmness and decision, is justified in suddenly turning upon me for having obediently carried them into effect?

I most respectfully ask, whether, in framing the above instructions, it ever occurred to your Lordship, for a moment, to conceive that I could possibly meet with such an extreme case of "opposition, avowed or latent," as that of two judges, who, above all people, ought to be immaculate from political sin, openly attending a republican society, which at every meeting grossly and publicly insulted the King's representative; the one judge actually affixing his name as chairman to a most infamous placard; the other constantly haranguing the people.

Supposing, instead of being members of the Judicial Bench, the especial duty of whom, by example as well as by precept, is, to maintain the King's authority, they had been officers of the army or navy, Would any quibble or subterfuge whatever be sufficient to screen them from dismissal?

Mr. Judge Ridout's legal talents are sufficiently demonstrated by the craftiness of his defence and evidence, which insidiously attempt to prove "that he

had attended at the meeting at which the society in question was established, and *opposed its formation* on the principles contained in the resolutions brought forward by its author." He conceals, however, from your Lordship the following important explanation.

Until Mr. Bidwell delivered to the House of Assembly Mr. Papineau's letter, openly proposing to the North American Colonies to unite together for a revolutionary purpose, the society in question was known by the name of the " Alliance Society."

On my dissolving the House of Assembly, the Constitutionalists formed a " Constitutional Society," for the express purpose of opposing the unholy doctrines of this " Alliance Society," some of the members of which, finding that it required a veil, proposed to change its name from the " Alliance" to the " Constitutional Reform Society." The most reckless and violent of the party opposed this change, preferring what is vulgarly termed here " to go the whole hog." Of this number was Mr. Ridout, who truly enough informed your Lordship " that he opposed the formation of *the society in question*."

Having given this short elucidation of the letter of dismissal which my secretary addressed to Mr. Ridout, as also of his reply, I respectfully proceed to your Lordship's observations thereon.

Your Lordship states, " In deliberating on the advice which it became my duty to submit to the King on this occasion, I have thought myself obliged to

exclude from my consideration every ground which has been alleged in defence of your proceedings against Mr. Ridout, which is not assigned by yourself in your correspondence with that gentleman."

"But, in the absence of evidence as to the fact, you have referred me to the legal opinion of the Solicitor-General of Upper Canada, who states, that Mr. Ridout *most decidedly did appear* to be an active member of the said society. It will of course not be ascribed to any want of respect towards Mr. Hagerman, if I observe that I do not understand why any legal reference is necessary in this case. The question involves no legal principles, but relates to a simple matter of fact. Mr. Stewart, though describing himself as a carpenter, is, I think, *far more entitled to speak with authority on this occasion than the Solicitor-General of the province.*"

I cannot but believe that, on reflection, it will be evident to your Lordship that, if the solemn, deliberate judgments of the King's representative in a British colony, without any opportunity being afforded to him for explanation, be suddenly overruled by his Majesty's Government, on the mere denial of the individual sentenced to punishment, supported only by a witness of unknown character,—if going still further, it be decreed that the Governor's official explanatory despatches on the subject are to be treated by his Majesty's Government, to whom they are respectfully addressed, as mere hearsay evidence, which

must not affect the merits of the case,—if the deliberate judicial opinion given by his Majesty's Attorney (not Solicitor) General to the King's representative, be declared to possess no more weight in the mind of his Majesty's Government than the evidence of a common carpenter, I state, with deference, that the dignity, honour, and authority of the Governor are virtually extinct.

I respectfully submit, that, in no department of the state, not even in your Lordship's own office, has it ever been deemed necessary, or even advisable, that every reason for which an individual is to be relieved from office must be stated to him.

It may be necessary to remove a public servant for many reasons, which it may not be desirable to explain to him. But, in maintaining the dignity of the station of Lieutenant-Governor of this province, I am, by your Lordship's own instructions, especially absolved from any such necessity; for it is distinctly stated, "It is the duty of the Lieutenant-Governor of Upper Canada to vindicate to the King and to Parliament every act of his administration."

"To his Majesty and to Parliament the Governor of Upper Canada is at all times fully responsible for his official acts;" and yet, when I proceed to do so, his Majesty's Government cast my official vindication aside, and pass a severe judgment upon me, with the following preamble:—"In deliberating on the advice which it became my duty to submit to the King on this

occasion, I have thought myself obliged to exclude from my consideration every ground which has been alleged in defence of your proceedings against Mr Ridout, *which was not assigned by yourself in your correspondence with that gentleman.*"

The following circumstances officially detailed to your Lordship in my despatches, Nos. 72, 62, and 57, must have been accordingly "excluded from your consideration, in judging of the propriety of Mr. Judge Ridout's dismissal."

1. "That on the 27th March, Mr. Ridout, heading the deputation, read that Address to me from a Public Meeting held at the City Hall, by Dr. O'Grady, (the Editor of the *Correspondent and Advocate,*) and others, which I forwarded to your Lordship on the 6th April.*

* To this insolent Address I returned a calm answer, to which, contrary to all precedent, I received a communication, termed "a rejoinder," of which the following is an extract:—

"We cannot altogether agree with your Excellency, that 'the only consolation which should support an honest man in an arduous duty is the reflection that he is ready to atone for every error he commits and that he is subject to arraignment if he offend.' *The highwayman and the pirate might, and often have, pleaded the same—have even been ready to make atonement, by restitution, and after 'arraignment,' expiated their crimes according to law.*"

I ask whether, when such language as the above had been addressed to the King's Representative, it was not the bounden duty of his station to dismiss from his Majesty's service him who had headed and read the original Address? Is it not incomprehensible, that his Majesty's Government should, at such a time, have joined with such a man against me?

2. " That shortly afterwards, Mr. Judge Ridout made a declaration which became the subject of general conversation, that in the event of his being dismissed by me from office, I should deserve to be tarred and feathered, and that he (Mr. Judge Ridout) would lend a hand to do so.

3. " That in one of the Public Offices, he (Mr. Ridout) declared that we must or should now have *war to the knife.*

4. " That from a benevolent desire to reclaim Mr. Ridout from radical principles, the situations he held were successively heaped upon him by Sir P. Maitland, and by Sir John Colborne; but the more he was favoured, the more violent he became.

5. " That shortly after my arrival here, I myself took a great deal of trouble to endeavour to reclaim Mr. George Ridout, and kindly to persuade him of his errors, but in vain."

6. In my despatch to your Lordship, No. 57, I stated, " I will therefore merely assure your Lordship, that in the elections, as well as in the prompt dismissal of a few of the ringleaders of the Republicans, I have acted cautiously and conscientiously."

7. That Mr. Judge Ridout, in a letter dated 27th July, which he addressed to me as the Lieutenant Governor of this Province, declared that the reasons asssigned by me " *are altogether untrue;*" that I have turned him out of office " *under* FALSE *pretences ;*" that, " clothed with a little brief authority,"

I am "exercising my power in a violent, reckless manner," &c.

If the foregoing extracts from public despatches all directly bearing upon the subject in question, be deliberately excluded from your Lordship's consideration, I cannot but most respectfully repeat, I am at a loss to understand why, in your Lordship's instructions to me, after distinctly stating, that unless I had power to dismiss from office any person who might openly or *latently* oppose my policy; "it would be impossible to conduct the administration of public affairs with the necessary firmness and decision." It is added, "that it is the duty of the Lieutenant Governor of Upper Canada to vindicate to the King and to Parliament, every act of his administration;" for, how can I possibly vindicate my dismissals, but by despatches which I have the high privilege and honour of addressing to your Lordship.

I had certainly conceived, that as long as I was deemed worthy of the confidence reposed in me, independent of the production of facts and arguments, the mere expression of my opinion of the absolute necessity of the dismissal from office of any person, who, from my local knowledge, I deemed hostile to the British Constitution, would have carried with it infinitely more weight than the individual's denial of his own guilt.

The dangerous duty imposed upon me, of selecting for office those who are most fit for it, and of

dismissing those who are unfit, requires the coolest deliberation and judgment: my very appointment to the station I hold presupposes my competence to the task; and it will now be my endeavour respectfully to demonstrate to your Lordship that, as regards the dismissal of Mr. Ridout, I have discharged this duty conscientiously and correctly.

Your Lordship must be aware that I succeeded in defeating the Republican party in this province, by calmly appealing to the judgment and good sense of the people. It was not, therefore, very likely that, when the victory was established, I should suddenly lose the equanimity by which I had gained it. But, because I had defeated the political machinations of my opponents, I was in all directions assailed by language, which gradually increased in virulence, until it became evident to me, that for the dignity, and even maintenance, of the King's authority, it was absolutely necessary I should check it.

Inasmuch, however, as the danger of doing so was apparent, I deeply reflected on the course which it would be most prudent for me to adopt.

The press—the shameless and traitorous language of which it would be impossible to describe—I determined to let alone; I also resolved not to notice affidavits and other evidence which I received, concerning individuals of low station, who, although holding commissions in the militia, publicly declared, "*That the Lieutenant Governor was the d——est*

liar and d——est rascal in the province." I considered these persons as not worthy to be made examples of; but the two individuals whom I eventually determined to select for punishment were Mr. Ridout and Dr. Baldwin, because I considered that, as Judges of the land, they had no excuse whatever for the offensive conduct they had been pursuing.

Instead, however, of at once following my own judgment, which, on the subject in question, I never once mistrusted for a moment, my first course was to seek the advice of my Council, who, with the facts existing before their eyes, deliberately and unanimously *approved* of the dismissal of Dr. Baldwin and Mr. Ridout. Not satisfied with their concurrence, I deemed it necessary to consult his Majesty's Attorney-General on the whole subject, and especially whether I should be authorised in declaring, that Mr. Ridout "*appeared* to be an active member" of the Association, at which he had been, and still was, a constant attendant.

The Attorney-General made every due inquiry, the result of which was, a deliberate confirmation of my views on the subject.

I accordingly publicly dismissed Mr. Ridout and Dr. Baldwin from the offices which they respectively held under his Majesty's Government, and though, like Dr. Duncombe, Mr. Bidwell, Dr. Rolph, &c., Mr. Judge Ridout has framed a remonstrance to his Majesty's Government, yet *in this country* neither

he nor Dr. Baldwin presumed to get up even a petition to the House of Assembly on the subject.

The people of any British colony are always ready enough to espouse the cause of an injured man; and, trusting to inflammatory speeches, &c., an attempt was made to stamp the disapprobation of this Capital upon my conduct, by returning Dr. Baldwin, Mr. Ridout, and Mr. Small, (whom I had also dismissed) as Aldermen for the city. Your Lordship knows the result, which has only just taken place, namely, that in spite of Dr. Baldwin's wealth, in spite of Mr. Ridout's efforts—in short, in spite of everything, they completely failed in their object; and, though they have sought the crown of martyrdom in England, they failed in being dubbed even Aldermen in Toronto!

If I have unjustly treated them, it cannot be a secret to the House of Assembly; but the opinion which that branch of the Legislature has just forwarded to your Lordship, as well as to both Houses of the Imperial Parliament, states,

"Few Governors of a colony were ever placed in circumstances of greater difficulty than those which assailed Sir Francis Head within three months of his assuming the Government of the province; and it is, perhaps, not too much to say, that no man could have met those difficulties (ungenerously and unreasonably thrown in his way) with more temper, firmness, and judgment, than he did."

Not satisfied with these concurrent verdicts in my favour, on receiving your Lorship's despatch, ordering Mr. Ridout to be restored to his offices, I again assembled my Council, who, without having been made acquainted with your Lordship's decision, forwarded to me this morning the following minute of their opinions.

(COPY.) *In Council, 9th Feb.* 1837.

His Excellency the Lieutenant-Governor was pleased this day to come down to the Council, and to inform them that the case of Mr. George Ridout, late Colonel of Militia, and Judge of the Niagara District Court, had been referred to his Excellency by his Majesty's Government, on an application to his Majesty by Mr. Ridout, praying for redress.

His Excellency, referring to the circumstances under which Mr. Ridout's removal took place, and to the fact that, at the time the advice of the members of the Council, as to the question whether there was anything in Mr. Ridout's statements, and whether any circumstances have transpired in the knowledge of the Council, since Mr. Ridout's removal, which, in their opinion, ought to induce his Excellency to make a report to his Majesty's Government, or to come to any determination respecting his case, more favourable to Mr. Ridout than those already made, and resolved upon;

The members of the Council in office at the time of Mr. Ridout's removal feel bound to say, that to their knowledge the conclusion to remove him from office was not arrived at without much deliberation, and even reluctance, on the part of his Excellency.

Under the conviction that, if officers in the employment of his Majesty were to be permitted to express themselves without measure or discretion as to the conduct of his Majesty's representative, and to join with others in endeavouring to destroy the respect and confidence, on the part of the people, which are so necessary to the well-being of any government, it would be almost impossible that the affairs of the colony could be conducted, for any length of time, successfully.—

The members of the Council then in office performed what they felt to be a disagreeable and painful duty, in recommending to his Excellency the dismissal of Mr. Ridout.

The Council are now unanimously of opinion that the power vested in His Excellency, of removing any officer holding a situation during pleasure, when his remaining in office is considered injurious to His Majesty's Government, and to the tranquillity and peace of the country, was in this instance exercised judiciously, and when it scarcely could be avoided without bringing the Government into contempt. If Mr. Ridout disapproved of the measures adopted by the Lieutenant-Governor, he was not called upon to support them, or even to refrain from opposition, or claim of redress, preserving the decorum and decency of language which must, under any circumstances, be considered as due to the representative of the King.

When, however, a gentleman holding an official situation departs from the rules which are dictated by the most ordinary considerations of propriety, and sets an example to others of disrespect and insubordination, which the ignorant and evil-disposed are but too apt to follow, the Council cannot but feel that it is no less due to the dignity of the Crown than to the feelings of those who desire that

the Government under which they live should be respected, that the offending individual should be removed from a place in which his example is calculated to be so peculiarly injurious.

The Council, therefore, feeling the greatest regret that Mr. Ridout's conduct should have rendered such a course advisable, cannot at present recommend his Excellency to advise His Majesty to restore Mr. Ridout to the offices from which he has been removed.

(Signed) R. B. Sullivan, P. C.

And now, my Lord, I beg to show who these gentlemen of my Council are who originally concurred, and who still concur with me, in the propriety of the dismissal of Dr. Baldwin and Mr. Ridout.

1. The first on the list is the Hon. R. B. Sullivan, Dr. Baldwin's own nephew, whose sister was married to Mr. Ridout's own brother.

2. The Hon. Captain Baldwin, of the Royal Navy, actually the brother as well as the friend of Dr. Baldwin, whom I dismissed! Captain Baldwin also for many years has been the intimate friend of Mr. Ridout.

3. The Hon. William Allan, for many years President of the Bank of Upper Canada, a man whose character for probity would be admired in any country in the world.

4. The Hon. John Elmsley, an officer in His Majesty's Navy, a person of considerable property, and perhaps the most ultra-reformer in the Legislative Council.

5. The Hon. W. H. Draper, who has lately joined the Executive Council, and who is member or representative for this metropolis, where every fact concerning Mr. Ridout's dismissal is of course known and at hand.

I have now submitted to your Lordship the leading reasons for which I deemed it necessary to dismiss Mr. Ridout from the offices he held under His Majesty's Government; and I have only to add, that had I not done so, I have reason to know the principal members of the Bar would have declined to appear in the Court of Niagara, on account of the reprehensible political conduct of Mr. Judge Ridout.

With respect to the order which I have received from your Lordship to restore this gentlemen to the offices from which he has been removed, I have only to state that, if such should continue to be His Majesty's desire, I will obey the command: it is not my intention petulantly to tender my resignation because my judgments have been overruled; at the same time, I feel perfectly confident that, the moment Mr. Ridout's authority is restored to him, I shall be deprived of my own, as well as of all power or possibility of carrying on the government of this province.

As I expect every hour to hear of the arrival of my family at New York, they having sailed from England on the 10th of January, I can have no desire they should so immediately recross the Atlantic; but I am not ashamed to say that I have not courage to face

the difficulties which from all sides would assail me the moment it became known that His Majesty's Government had openly declared itself opposed to one of the most prominent measures of my administration of this government.

I have, &c.

(Signed) F. B. Head.

The following despatch is a sample of the able style of special pleading exercised by the Colonial Office towards Colonial Governors. Instead of, in a moment of mutiny, supporting me in my station, and of giving proper weight to my opinions, I submit that her Majesty's Government treated me and Mr. Ridout just as a police magistrate would deal with the case of two unknown persons, brought before him for having been found quarrelling in the street.

Downing-street 5th April, 1837.

Sir,

I have received your despatches of the 6th of February last, No. 13, on the case of Mr. Ridout. In order to explain clearly the view which I have taken of this subject, I must begin with a short retrospect of what has hitherto occurred, although it will perhaps involve me in the repetition of some statements already addressed to you.

Mr. Ridout's dismission from his office was communicated to him on the 12th of July last, in letters

written to him by your Secretary, and by the Adjutant-General of Militia. In your Secretary's letter this measure was attributed to the circumstance that Mr. Ridout appeared to be a member of the Constitutional Reform Society of Upper Canada, by and on behalf of which had been circulated the printed address to which reference was then made. The Adjutant-General's letter stated that Mr. Ridout was deprived of his Commission in the militia for the reasons mentioned in your Secretary's letter.

On the 14th of July, Mr. Ridout transmitted to your Secretary an answer, denying that he was a member of the society in question, or that he had ever seen their address until it was in circulation in print through the city of Toronto. His answer to the Adjutant-General suggested that the real cause of his dismission was a vote which he had given at the general election. The Adjutant-General replied by contradicting the truth of this surmise.

On the 22nd of July Mr. Ridout announced to you his intention to bring his case under the notice of his Majesty's Government, and made an application to be furnished with an explanation of any other reasons for your conduct which might have been kept back.

No notice having been taken of this letter, he placed in your hands, for transmission to this country, his petition of the 12th of August, in which he offered to prove that he had refused to connect himself with the Constitutional Reform Society, because he disap-

proved of its constitution. He attached to that document the affidavit of Alexander Stewart, in which the deponent confirmed Mr. Ridout's statement, alleging that he was present at the formation of the society, and heard Mr. Ridout oppose that measure.

In your despatch of the 12th of September, you enclose the preceding correspondence, and imputed to Mr. Ridout various acts of misconduct, to which that correspondence contained no allusion.

In my despatch of the 29th of November, I stated that I had thought myself obliged to exclude from my consideration every ground alleged in defence of your proceeding against Mr. Ridout, which had not been assigned by yourself in your correspondence with that gentleman. For this decision I gave three distinct reasons. They were, first, that it seemed to me unjust to subject any man to humiliation and punishment, for reasons which he has not had an opportunity of controverting; secondly, that Mr. Ridout had combated, both by argument and by evidence, the single charge preferred in your Secretary's letter; and thirdly, that, with a view to an appeal to his Majesty's Government, he had demanded an opportunity of repelling any other accusation which you might have to bring against him.

In reference to this statement, you have, in your despatch of the 9th of February, observed that, in no department of the State, not even in my own office, has it ever been deemed necessary, or even advisable,

that every reason for which an individual is to be relieved from office must be stated to him; that it may be necessary to remove a public officer for many reasons, which it may not be desirable to explain to him; and that you were expressly absolved from such necessity by any other instructions to you.

You must permit me to state unreservedly, that this answer appears to me inadequate; first, *I am totally ignorant of the existence either in this office or any other department of the State, of any such practice as that to which you refer.*

I am not aware of so much as a single instance, in which a public officer has been dismissed as a punishment, and on the ground of misconduct, without the most explicit disclosure to him, of the reasons by which his superior vindicated such an exercise of authority.

Secondly.—I cannot concur with you in opinion, that any man ought to use, or possess such a power over those serving under him.* The only difficulty of supporting my opinion on this subject by argument is, that so simple and elementary a principle of justice, would rather be obscured than illustrated by a statement of the reasons which instantly suggest themselves in support of it. Those are indeed official relations of such a nature, that it is necessary to confine to the superior officer the right of dissolving them at once, without assigning any cause whatever

* It was a moment of mutiny.

to the sufferer. Thus, for example, a public officer should be at liberty instantly to remove his private secretary for mere incongruity of habits or temper, or for the want of some peculiar talent, or qualification, causes which, in such a relation, are of the utmost weight, but which could scarcely be drawn out into a specific charge or statement. In such cases this is mutually understood as the necessary condition and tenure of the service; yet even in this intimate and confidential relation, if the removal should be made avowedly on the ground of misconduct, the superior would be bound in common justice to explain unreservedly, in what the imputed fault consisted. If not, any man's character and happiness might be sacrificed by vague suspicion, and by surmises, infamous in proportion to the station and character of the accuser.

Thirdly.—I cannot allow that the instructions from me which you have quoted, absolve you from this obligation.

On the contrary, I think they clearly impose it on you, they declare your responsibility to the King, and to Parliament. In Mr. Ridout's case notice was given to you that an appeal was about to be made to his Majesty; To acquit yourself of the responsibility which I declared you to owe to the King; it became incumbent on you to establish the fact, that Mr. Ridout had merited the severe punishment which had been inflicted on him.

To substantiate that conclusion, it was necessary to show that he had really been guilty of the offences laid to his charge, and this could be proved only by showing what he was alleged to have said or done admitted of no satisfactory explanations, a result which could not be established, until an opportunity of making such explanation had been afforded to him.

Fourthly.—If I could admit that you were entitled to inflict a punishment without a distinct statement to the accused party, of the causes which had provoked it, I should yet limit that admission to cases in which an entire silence had been maintained.

Instead of this, however, you communicated to Mr. Ridout a single charge which he contradicted, and applied himself to disprove.

He was thus, I think, warranted in believing that, if successful in refuting that accusation, his exculpation was complete. Finally, I thought that, in what related to the Constitutional Reform Society, Mr. Ridout's defence was conclusive,* and I could not therefore but doubt, whether he might not have been

* Mr. Ridout's defence on this subject, far from being conclusive, was a glaring quibble. He answered the accusation, that, by constantly attending and speaking at a meeting, he *appeared* to be an active member, by merely declaring that he was *not* an actual member of the society; and it was exactly because I *knew* he was not, that I had applied to the Attorney-General on the subject This officer's official opinion, that Mr. R. decidedly "*appeared to be* an active member," I forwarded to the Colonial Office, who had it before them while writing this despatch.

equally successful in vindicating himself against the other charges, if they had been made known to him.

For these reasons, I adhere to my first opinion, that I was bound to exclude from my consideration every allegation against Mr. Ridout, of which he had not been apprised.

You, however, maintain that your despatch of the 12th of September ought to have satisfied me of the truth of the accusation preferred in your secretary's letter of the 12th of July. Two reasons are assigned for this conclusion. First, I had before me the statement of your own conviction that the charge was well founded; and, secondly, I knew that you had obtained a legal opinion to the same effect.

It would be more than superfluous to declare my perfect reliance on the accuracy of every assertion of yours, respecting any matter of fact which has fallen within your own personal observation; neither is it necessary for me to disclaim altogether the idea of impeaching, in any degree, the legal knowledge or the talents of the Attorney-General. But neither you nor the Attorney-General offered yourselves as witnesses to the matter of fact, namely, whether Mr. Ridout was or was not a member of the Constitutional Reform Society. You laid claim to no *personal knowledge* * of his conduct in reference to that body.

* I told the Government that he constantly attended and harangued the meeting; this was notorious. Surely her Majesty's Government did not mean to insist that I ought to have acquired *personal knowledge* of the fact by attending the meeting *myself!*

The Attorney-General was quoted, not as a witness of the fact, but only as an interpreter of the law. Consequently, notwithstanding the strong dissent which you have expressed, I must continue to think that the authority of Stewart, though a common carpenter, when speaking on his oath respecting an occurrence which passed in his own presence and hearing, is entitled to much more weight on the question of fact than can be assigned to the opinion even of the Attorney, who appears to have had not the slightest *personal knowledge** of what took place at the meeting. This is a conclusion to which, in so far as regards the facts in question, no one, I am inclined to think, would more readily subscribe than the Attorney-General himself.

From your despatch of the 6th of February, I now, however, for the first time, learn that Mr. Ridout's removal from office was recommended by the Executive Council, and I further learn that they adhere to their original opinion.

On this subject I have to state that I have never expressed, nor do I now entertain, any judgment opposed to theirs; on the contrary, I entirely agree with them that the various acts of misconduct ascribed to Mr. Ridout, in your despatch of the 12th of De-

* The Attorney-General did not attend these meetings, but, in consequence of my calling upon him for his opinion, he made necessary inquiries of those who had been present, and who had witnessed Mr. Ridout's behaviour there.

cember, and still more fully stated in your despatch of the 6th of February, are such as would, if substantiated on proper inquiry, justify the very severe penalty inflicted on him.

If I am to understand the Council as thinking that such an inquiry was needless, I must, with whatever reluctance, differ from them. The grounds of that difference I have already in part explained; but I must add that, if there be any one class of public officers in whose case it is especially incumbent on the Executive Government to proceed with caution, circumspection, and with a strict observance of all the essential forms of proceeding on such occasions, it is the class of those who are intrusted with the administration of justice.

In avowing my opinion that the matters laid to the charge of Mr. Ridout would, if established, justify his dismission, I wish to be understood as not referring to the intemperate terms in which he addressed you after his removal from office; *much allowance is to be made for natural feelings*, under a sense of supposed injury. It is to the other allegations that my remark applies. It is, I can assure you, painful to me to take any course of conduct which may aggravate the difficulties of your situation, yet I feel myself bound, by the paramount obligations of justice, still to withhold my approbation of the measures adopted in Mr. Ridout's case. On the other hand, his restitution to office may, I think, be properly made to depend upon

his ability to exculpate himself from the various charges preferred against him in your despatches of the 12th of September and 6th of February. To this extent the instructions conveyed to you in my despatch of the 29th of November are withdrawn and qualified. Further than this it is impossible for me to advance. You will, therefore, in whatever mode you shall think best, put Mr. Ridout in possession of those accusations, and, after weighing his answers, and the evidence by which it may be supported, you will communicate to me the result.

I cannot close my answer to your despatch of the 6th of February without adverting to some of the general topics to which you have there taken occasion to advert.

You complain that the Governor's official explanatory despatches have been treated by me in this case as mere hearsay evidence, which must not affect the merits of the case. I may perhaps misunderstand the precise meaning of this remark, but if it be that statements made by a Governor to me on the authority of third persons are entitled to the same weight as if they referred to facts of which he was the personal observer and witness, I can only say that I am not aware of any reason which would justify me in so regarding them.

If I might interpret some other passages of your despatch, you understand me to have authorised you to dismiss from office any person who should openly

or latently oppose your policy. If you will again refer to the instructions which you have thus quoted, you will perceive that the officers to whom I referred were not of the class to which Mr. Ridout belonged, but persons whose public offices bring them into a confidential or immediate connexion with your administration of the affairs of the province. I certainly never contemplated that every officer of the militia, every district judge, and every justice of the peace, should hold his office on the condition of being dismissed if he should happen to oppose the policy of the Lieutenant-Governor for the time being. To urge the rule which I have laid down to such consequences is at once to misapprehend my meaning, and to establish a principle which would bring almost every gentleman in the province into such relations with the local Government as no man of independent character and principles could be expected or desired to maintain. The instructions to which you have referred were intended to apply (and I think that intention sufficiently manifest) to those high and confidential officers of your Government only with whom you are habitually brought into confidential intercourse upon the general interests of the province. If there be any ambiguity in my instructions to you, which I do not perceive, you will hereafter understand them in this limited sense only.

You further express your expectation that the "mere expression of your opinion of the absolute

necessity for the dismissal of any person from office whom, from your local knowledge, you deemed hostile to the British constitution, would have carried with it infinitely more weight than the individual's denial of his own guilt." From this and other passages in your despatch, I infer that you regard the Secretary of State as virtually bound to adopt your opinions in individual cases as conclusive, even upon an appeal against your decision. But such is not my estimate of the duties of my office: I act under a strict and effective responsibility to the King and to Parliament. Of every measure which I take, or which, when taken by others, I approve, I must be prepared to produce the vindication. But I should ill acquit myself of that duty if I attempted to rest my justification on an implicit confidence in the judgment of the officer against whose acts an appeal had been brought before me. Cherishing as I do the strongest presumption in favour of every decision of yours, I must yet, as often as your sentence is impeached, examine into the merits of the question with strict impartiality, and with a jealousy of those prepossessions in favour of your opinions from which I can never be exempt. In our relative position in his Majesty's service, I could not act on any other principle without abandoning my duty to the King and to his Majesty's subjects, and I trust that, on your part, the just and lively estimate which you have formed of the importance and responsibility of your

own duties will be combined with a due allowance for the not less arduous and responsible nature of mine.

I have, &c.

(Signed) GLENELG.

Extracts from a Despatch to the Right Honourable the Lord Glenelg, dated 5th April, 1837, No. 41.

MY LORD,

I have the honour to transmit to your Lordship a copy of a Gazette Extraordinary, by which it will appear that I have made the following appointments, until the King's pleasure be made known.

Robert S. Jameson, Esq., Vice-Chancellor;

Archibald M'Lean and Jonas Jones, Esquires, Judges in the Court of King's Bench;

Christopher Alexander Hagerman, Esq., Attorney-General; and

William Henry Draper, Esq., Solicitor-General.

As regards Mr. Hagerman I can say that I have not been in the habit of seeing or consulting him, excepting on such cases as have especially belonged to his station, and accordingly, during the whole of last session of the Legislature, I did not, I think, send for him four times. Mr. Hagerman's claims, as brought under my consideration, are shortly as follow:—He was present at the actions of Chrystler's farm—the taking of Oswego—and in several engagements on

the Niagara frontier during the year 1814, and was recommended for a gold medal by Sir Gordon Drummond, on whose staff he served as provincial aide-de-camp. He was first elected representative for the town of Kingston in 1826 ; since that period he has been three times returned, and has held the situation of Solicitor-General nearly eight years.

On the 30th November, 1829, Sir John Colborne received from Sir George Murray a despatch, No. 48, relating to the disappointment which Mr. Hagerman had experienced in consequence of not having been confirmed by His Majesty in the office of judge, to which he had been temporarily appointed on the removal of Mr. Willis, of which the following is an extract :—

" At the same time I readily admit that the case, as regards Mr. Hagerman, is one of some hardship, and I have to request you will assure that gentleman that I regret extremely that he should have suffered any inconvenience in consequence of the arrangements which I felt it my duty to recommend, and that I shall be very ready, at a future opportunity, to give his claims every consideration."

I believe Mr. Hagerman to be warmly and enthusiastically attached to the British Constitution, and to the connexion of this province, of which he is a native, with the mother-country ; I consider him to have been a faithful servant of the Crown. The assertion of his principles has continually drawn upon

him in the House of Assembly the whole fire of the Republicans; and in these actions, although he has shown considerable powers of defence, he has occasionally evinced an impetuosity which it would have been prudent to have restrained. I believe, however, that his moral character is respected even by his opponents; and therefore, on the whole, considering that no just reason existed why, on the promotion of the Attorney-General, he should not be appointed as his successor, I felt it to be my duty to name him as such until the King's pleasure should be known.

Having submitted to your Lordship the grounds upon which I have made the appointments in question, I think it proper to state that it is with unfeigned regret I have omitted to recommend to your Lordship's notice the name of Mr. Bidwell. That gentleman's legal acquirements are, I consider, superior to at least one of the individuals whom I have elevated. His moral character is irreproachable, and though he was ostensibly the leader of a party who have offered me every possible insult and indignity, yet I can assure your Lordship that I entertain towards Mr. Bidwell no feeling of animosity; and that, even if I could desire to triumph over a person whom I have publicly disarmed of his power to oppose me, I should feel that that triumph would be infinitely more grateful to his Majesty by forgiveness than by revenge.

But, anxious as I am to give to talent its due, yet I cannot but feel that the welfare and honour of this province depend *on his Majesty never promoting a disloyal man.*

Divested of all its objectionable language, Mr. Bidwell's object (so far as it could be elicited by the conduct of his associates) was to separate this colony from the parent state; to create disaffection for the paternal government of the King, and, by forming an alliance with Mr. Papineau's party in Lower Canada, to exchange the British constitution for the low, grovelling principles of democracy.

I therefore considered that publicly to elevate Mr. Bidwell to the Bench would deprive me of the respect and confidence of this country; and I believe your Lordship will agree with me in opinion, that, where a man acts with disloyal associates, his talents aggravate, rather than extenuate his offence.

Having afforded your Lordship all the information in my power respecting the law appointments I have made, it only remains for me respectfully to express my hope that his Majesty will be graciously pleased to confirm them.

I have the honour to be,
My Lord,
Your Lordship's
Most obedient humble Servant,
(Signed) F. B. Head.

No. 200.

Downing Street, July 14th, 1837.

Sir,

I have had the honour to receive your despatch of the 5th of April last, No. 41, enclosing the copy of a gazette extraordinary, notifying certain legal appointments which you had made, in conformity with an Act passed by the Legislature of Upper Canada, during the last session. The public events which have occurred since my receipt of that Act have hitherto rendered it impossible to submit it for the Royal sanction. But I trust that I shall have it in my power to communicate to you the Queen's pleasure respecting it at an early period. In the mean time her Majesty commands me to express her approbation of the appointment of Mr. Jameson to be Vice Chancellor, and of Messrs. A. Maclean and Jonas Jones to be Judges in the Court of Queen's Bench, and I shall take an early opportunity of transmitting to you the necessary warrants under the royal sign manual conferring those appointments. . . . .

The selection of Mr. Hagerman to be Attorney-General appears to be more open to question. I am fully prepared to admit, as a general rule, the claim of the Solicitor-General not to be passed over in any new arrangements such as those to which your despatch refers, and I am of opinion that such a claim should not be set aside without some strong and paramount reason. I am also willing to give the

greatest weight to the representations which you have addressed to me in Mr. Hagerman's favour, founded both on his private character and public merit. It is, however, essential that the gentleman who fills the high and responsible office of Attorney-General should hold opinions on questions of general policy, and relating to the administration of the affairs of the province, in unison with those of the Executive Government.

I have no reason to doubt that you have received the utmost support and co-operation from the Solicitor General, but I am bound to add that, if the sentiments ascribed to Mr. Hagerman in the resolutions, a copy of which I have the honour to enclose, be really entertained by him, and have been publicly expressed by him in his place as a member of the provincial Legislature during the last session, a very wide difference exists between his view and that of her Majesty's Government, supported by the opinion given by the Law Officers of the Crown in 1819, as to the rights of the Church of Scotland in Upper Canada under the Act of 1791.* As these resolu-

* The offensive sentiment which Mr. Hagerman, in a most angry discussion in the House of Assembly, is accused of having uttered, was as follows:—"The Church of England is *the* Established Church,—the Roman Catholic Church is *an* Established Church, but the Church of Scotland is no more an Established Church than that of any other dissenting body in the province."—Mr. Hagerman denies having uttered these words.

tions have been transmitted to me by *an individual member of the* General Assembly of the Church of Scotland, and as I have not received any information from you on the subject, I am willing to hope that some misapprehension may have existed as to the real nature of the language employed by Mr. Hagerman. I shall therefore suspend my opinion as to the propriety of his advancement to the office of Attorney-General, until he shall have had an opportunity of offering any explanation which he may desire to give with reference to this subject. You will communicate to Mr. Hagerman a copy of so much of this despatch as relates to him, together with a copy of the enclosed paper.

There is another subject noticed in your despatch, to which it is necessary that I should advert. You state that it has been with unfeigned regret that you have omitted to recommend for one of the new legal appointments Mr. Bidwell, whose professional talents you consider superior to those of at least one of the gentlemen selected by you, while his character is irreproachable. You observe, however, that Mr. Bidwell's object, " so far as it could be elicited by the conduct of his associates," was to separate Upper Canada from the parent state, and you claim my assent to the proposition, that, " where a man acts with disloyal associates, his talents aggravate rather than extenuate his offence." I need not assure you of the great weight which I attach to any opinion re-

specting the affairs of Upper Canada deliberately expressed by you, and I have accordingly felt bound in the present instance to defer to your judgment relative to Mr. Bidwell. But, considering that the disloyalty which is imputed to Mr. Bidwell's associates is not charged against himself, or attempted to be proved by any act of his ;* that he has, for the present at least, withdrawn himself from political strife ; and that his legal abilities and high moral character are acknowledged and respected even by his political opponents ; I cannot regard the part which he† *formerly* took in local politics as an insuperable barrier to his future advancement in his profession. *On the contrary,* adverting to the general estimate of his qualifications for a seat on the Bench, it appears to me that the public interests would be *promoted* by securing his services ; nor would it be of slight importance to convince the inhabitants of Upper Canada that, in the selections for judicial offices, the Executive Government is actuated by no other feeling than an anxiety to promote the welfare of all classes of her Majesty's subjects. If, therefore, as you appear to anticipate, another vacancy should occur among the Judges of the Court of King's Bench, it is the

* See the insulting accusations made against me to the King and to the House of Commons (page 81), both signed *Marshal Spring Bidwell.*

† Mr. Bidwell's opposition to monarchial institutions had *not* ceased.

wish of her Majesty's Government *that the situation should be offered to Mr. Bidwell, and they will hear with much pleasure that he has accepted it.*

I have the honour to be, Sir,
Your most obedient humble servant,
GLENELG.

No. 99.

Government House, Toronto, 10th Sept., 1837.

MY LORD,

I have to acknowledge the receipt of the following despatches, which I have had the honour to receive from your Lordship.

1st. Despatch No. 158, dated 5th April, 1837, repeating to me that the reasons I submitted to your Lordship for having removed Judge Ridout from office appear to your Lordship inadequate, and that your Lordship still withholds your approbation of the measures adopted in Mr. Ridout's case.

2nd. Despatch No. 200, dated 14th July, 1837, informing me that your Lordship has not been pleased to confirm the appointments of the Attorney and Solicitor General, which on the 5th of April last I had the honour to notify to your Lordship in a Gazette extraordinary, but that it is the wish of her Majesty's Government that the situation of Judge of the Court of King's Bench should, in case of an expected vacancy, be offered to Marshal Spring Bidwell, the Speaker of the late House of Assembly, the leader of

the Republicans in this province, and the fellow-labourer and correspondent of Mr. Speaker Papineau.

As, after very deliberate consideration, I have determined to take upon myself the serious responsibility of positively *refusing* to place Mr. Bidwell on the Bench, or to restore Mr. George Ridout to the Judgeship from which I have removed him, I feel it my duty, not only respectfully to explain to your Lordship the reason of my conduct, but frankly to disclose to your Lordship opinions and sentiments which, being hostile to the policy of the Colonial Office, ought not to be withheld from your Lordship.

I feel confident that your Lordship will, with the equanimity which distinguishes your character, calmly listen to the observations I am about to make, and I can assure your Lordship that at the present instant there is no feeling more strongly impressed in my own mind, than that, in the utterance of strong opinions which I feel most deeply, I may not be led away to use an expression which can in any way be considered as evincing a want of that respect which is justly due to your Lordship, as well as to the high station you hold.

My declining, or, in plain terms, my *refusing*, to carry your Lordship's orders into effect, would, I am aware, commonly be considered as an overt act of hostility, but when it is considered that the popula-

tion of our colonies amounts to 99,000,000 of people scattered over thirty-five portions of the globe, it must be evident that their prosperity depends, not only on the Colonial Minister commanding what he deems to be right, but on the Colonial Governors refusing, *at their peril*, to execute what they conscientiously believe to be wrong.

In a conflict of this nature, it does not therefore necessarily follow that disobedience in a Lieutenant-Governor is disaffection to the Minister; and, although I am sensible that your Lordship has power abruptly to terminate such objection on my part by immediate dismissal, yet I have no observations to offer on that subject, as it is my own duty, and not your Lordship's, that I am at present desirous to perform.

My Lord, in my despatch, dated 18th Nov. last, (page 204,) I respectfully informed your Lordship "that, in my humble opinion, the whole blame of the dissensions which exist in the Canadas rests neither upon the surface of the country, nor upon the morals of the people, but on the conciliatory measures which, under successive administrations, have been unremittingly applied by the Colonial Office."

I stated to your Lordship that "the British population of the Canadas, the Chief Justice, the Law Officers of the Crown, and every faithful public servant were of this opinion; and that, although her Majesty were suddenly to arrive in the Canadas, there was no one of those I had enumerated who would

not be proud to follow her with devotion from Niagara to Quebec; yet that, if a representative of our colonial policy were to appear here, "I declared to your Lordship" that, in my opinion, "he would be seen to traverse the Canadas alone."

In this statement I communicated to your Lordship the truth, but not the *whole* truth. Your Lordship's late despatches oblige me to supply the deficiency.

My Lord, there exists in this country no personal feeling against your Lordship, but the loyal British population of the Canadas loudly complain that there exists in the colonial department an invisible overruling influence, which either favours the introduction of republican principles as productive, in theory, "of the greatest happiness to the greatest number," or, acting under the mistaken persuasion that democracy must inevitably prevail over this continent, deems it politic to clear the way for its introduction, rather than attempt to oppose its progress; in short, it has for many years been generally believed that however loyal may be the HEAD of the colonial department, its HEART is in favour, not only of republican institutions, but of the expediency of assisting rather than of retarding the launching our North American Colonies into that vast ocean of democracy, upon which the United States, the cable of their public credit having snapped, are at this moment driving without rudder or compass.

If a statement of the above opinions were to reach

your Lordship anonymously, or bearing the signature of a few individuals, or even of a large body of individuals, it would, of course, be cast aside as contemptible; but your Lordship, whose attachment to the British Constitution is well known, will, I conceive, be startled when I tell you, not only that the British population of the Canadas partake largely of this opinion, but that I, her Majesty's representative in this province, am of that opinion; that the late Lieutenant-Governor, Sir John Colborne, who had eight years' experience, is of that opinion; that Lieutenant-General Sir Peregrine Maitland, who as Lieutenant-Governor, had ten years' experience, is of that opinion; I believe Lord Aylmer, Lord Dalhousie, Sir A. Campbell (the late Lieutenant-Governor of New Brunswick), to be of that opinion; and, moreover, that if the Lieutenant-Governors of *all* the British Colonies were to be examined by your Lordship, their testimony would, generally speaking, substantiate rather than deny what I have stated.

If your Lordship believes the statement I have made, the concurrent opinions I have quoted must be conclusive; if, on the other hand, your Lordship doubts the accuracy of my statement, I beg your Lordship to examine the witnesses, whose names I have submitted to you. I have had no communication with any of them, but from the seat of Government of this province, where the sentiments of my predecessors are recorded, I clearly see what is passing before my

eyes, I plainly hear what is sounding in everybody's ears.

Your Lordship must, of course, be aware, that a monarchy may be mechanically lowered into a republic by means of an inclined plane, the angle of which may be so acute, that the surface to a common observer appears to be level; but lest this metaphor should not be clear to your Lordship, I will state in still plainer terms, that the way to convert a monarchy into a republic, is to take every opportunity to subtract power from the Crown, in order to add or give it to the people.

Now, it must be evident to your Lordship, that this arrangement may be practically effected by a secret influence, which it may be almost impossible to detect. For instance, there may be appointed to the Government of her Majesty's Colonies a series of military men, each ignorant of the principles of civil government, as well as unacquainted with the various classes of society of which it is composed. During their initiation to their new professions, every encouragement may be given at your Lordship's office to representations arriving there from any portion of "the people;" while, on the other hand, every possible discouragement may be given to the friends and supporters of monarchy. A man, asking for concessions, may invariably be represented to your Lordship as highly intelligent and respectable; a man stanchly recommending their refusal, may be termed politically biassed.

The Lieutenant-Governors, observing that they are applauded whenever they concede any thing to the House of Assembly, and that, somehow or other, they invariably get themselves into difficulty whenever they support the Legislative Council, may, for a long time, be led unconsciously to do what all military men are naturally disposed to do, namely, recklessly to carry into effect the *spirit* of their instructions.

So long as they do this, they may peacefully enjoy their stations; but when experience in their new professions opens their eyes,—when reflection staggers their judgment,—when beginning to perceive that concessions to what is falsely called "the people" increase rather than satiate the appetite,—they appeal to the Colonial Office, and, in language military rather than diplomatic, bid them "*be firm*," then, and from that moment, they may immediately find themselves unaccountably afflicted with a sweating sickness, which is a sure precursor of their removal. The language of praise ceases to cheer them,—they may receive slight rebukes,—objections may be raised to the appointments which they make,—people who oppose them in the colony may be raised to distinction,—any trifling disputes in which they may be involved may invariably be decided against them,—their tiny authority in the colony may continually be shaken, until, by a repetition of petty circumstances, which mortify rather than offend, they may become disgusted with their duty, they may intemperately proffer their re-

signation, a new man may be appointed, and the same process may be renewed.

The whole of these circumstances may occur, the democratic power may gradually be increased, the influence of the executive may gradually be diminished, the whole loyal population may become indignant at observing their inevitable declination towards democracy, and yet there may be no particular moment, or no one particular circumstance sufficiently strong to arouse the Colonial Minister to a knowledge of the dreadful fact, that the tendency of his own office is republican, and that, while all on its surface is seen flowing towards the throne, a strong undercurrent is absolutely carrying everything away from it!

The case I have just sketched may be merely one of imagination; but I beg your Lordship to keep it in mind, as I bring before your patient consideration the following statements and observations :—

My Lord, on my assuming the government of this province, I was desired by your Lordship to consider as the guide of my proceedings Lord Gosford's instructions, in which were contained the following words:—"In every part of the instructions with which, either as Chief Commissioner or as Governor, you are charged, *conciliation*, and the reconcilement of all past grievances, are studiously presented as the great object of your mission."

Being convinced that the concessions which had

been made in our colonies to the advocates of democracy had been the sole cause of the disturbances in the Canadas, I, very shortly after my arrival here, expressed myself to your Lordship as follows :—

" The more seriously I contemplate the political tranquillity of this province, the more stedfastly am I convinced in my opinion, that cool, stern, decisive, unconciliatory measures form the most popular system of government that can be exercised towards the free and high-minded inhabitants of the Canadas."

I need not observe to your Lordship that it is impossible for two systems to be more diametrically opposed to each other than that prescribed to Lord Gosford and that which I had determined to pursue.

I had not the slightest intention to rebel against what I considered to be your Lordship's policy, (namely, the maintenance of the King's authority in the Canadas,) but, being convinced that this object could only be obtained by the means I have explained, I did not hesitate to inform your Lordship of the course I had deliberately determined to pursue.

My policy having been shortly explained, I beg leave to bring before your Lordship's mind the following sketch of my principles, as they have been avowed to your Lordship in my various despatches.

[Long extracts of my despatches are here quoted, which, having been already submitted to the reader, it would be tedious to repeat.]

I have now recapitulated to your Lordship a plain statement of the policy and principles which have regulated my proceedings; and, without advocating any political theory, I only refer to the practical result of the conciliatory system which has been adopted in Lower Canada, and of the non-conciliatory system which has been adopted in Upper Canada, and respectfully say to your Lordship, "Look on this picture and on that!"

As far as regards your Lordship's approbation of my services, I have every reason to be grateful for the terms in which it has been expressed, and for the distinction which his late Majesty has graciously conferred upon me; but I have now arrived at the point of my narrative in which I think it will appear what sort of reception my principles and policy have met with from the Colonial Office.

[Long extracts of my despatches, all complaining of want of support, are here quoted, but, as they have been already before the reader, it would be tedious to repeat them.]

It being very desirable that I should secure the services of my Presiding Councillor, the Honourable R. B. Sullivan, a lawyer of considerable eminence, who of course could not devote to me his whole time for the councillor's salary of 100*l.* a-year, I gave him an appointment, which, as he immediately quitted his profession, I requested might be confirmed. A technical objection was immediately raised in your Lord-

ship's office to this recommendation; and, though I earnestly repeated it, Mr. Sullivan's appointment has not, at the expiration of fourteen months, even yet been confirmed.

I have now to proceed to your Lordship's despatch No. 200, dated 14th July, 1837, in which I learn that her Majesty's Attorney and Solicitor-General of this province, both of whom were lately appointed by me, have not been confirmed by your Lordship. My Presiding Councillor, and both my law officers, thus stand at this moment before the public in the equivocal situation of having been countenanced by me, and being discountenanced by the Colonial Office, the moral of which evidently appears to the public to be, that her Majesty's Government has no confidence in the Lieutenant-Governor of this province.

My Lord, I refer with satisfaction to the despatch I had the honour to address to your Lordship on the subject of the late law appointments, as my conscience tells me that the difficult duty I was then called upon to perform was executed with caution, reflection, and strict impartiality.

With respect to the Attorney-General, whose feelings at this moment must be suffering severely from the indignity which has so publicly been offered to him, I find from your Lordship's despatch that, although it is admitted that as the late Solicitor-General of this province he (Mr. Hagerman) had a claim not to be passed over on the promotion of the

Attorney-General, Mr. Jameson, to be Vice-Chancellor (an appointment which your Lordship has confirmed), although your Lordship acknowledges Mr. Hagerman's public and private merit, as also that as Solicitor-General he has afforded me the utmost support and co-operation, yet, in spite of all this, and I must respectfully add, in spite of the shock which the marked disapproval of the Colonial Minister gives to my administration, yet Mr. Hagerman's promotion has been publicly stopped merely because, in some resolutions passed by the congregation of a single church, in a *single* town in this province, it was printed in a newspaper that, in a religious discussion in the House of Assembly, he uttered an opinion concerning the rights of the Church of Scotland which was illegal.

My Lord, the story of Mr. Hagerman's conduct on the great subject of the clergy reserves was shortly as follows: When that question was about to be brought before the Assembly, I foresaw it would give rise to a most angry debate, which would probably end in nothing. I, therefore, although I had no precise instructions on the subject, determined to use all the influence in my power to help the question to a conclusion; and I accordingly determined to recommend that the reserves should be divided among the churches of England, Scotland, Rome, and Wesleyan Methodists, in the proportions which

the population of those great sects relatively bear to each other in the mother-country.

On submitting this abstract proposition to Mr. Hagerman, he at once assented to the church of England, the church of Scotland, and the Methodists sharing the reserves; but he avowed to me that, unless strong arguments were adduced, he could not conscientiously be the advocate of the Roman Church. The more I argued in favour of that part of my proposition, the more did Mr. Hagerman urge his objections to it; and I can truly add, the more did I respect him for doing so. He firmly adhered to his opinion; but he concluded by observing, that, though he could not promise to vote in favour of the Catholics, yet, for my sake, he would retire from opposing their admission. I conceived that, on a question of conscience, Mr. Hagerman ought not to have done more than he did. However, after all, the proposal never came to a division.

Finding that party-feeling was running so high that it was impossible for any man breathing to guide it, I became of opinion that it would be prudent to abandon the contest by placing the reserves at the disposal of his Majesty, or, in other words, by reinvesting them in the Crown. This proposition I explained to Mr. Hagerman, who brought it forward in the House of Assembly, advocated it most ably, and failed in carrying it only by one vote.

The great discussion having thus failed, it was, therefore, abandoned in despair by all parties ; but a memorial was addressed to the House of Assembly by the ministers, elders, and congregation of Lancaster, in connexion with the Church of Scotland, complaining that "*there appeared to have been an organised system pursued by the different Provincial Administrations, of thwarting them in the attainment of their just and legal rights:*" that the endowment of the fifty-seven rectories was "*unjust, illegal, and unconstitutional;*" and "*that your memorialists complain especially of the power which the Act under which these rectories have been established gives to the Church of England, of lording it over our consciences, and exercising a spiritual tyranny over us, to which, as conscientiouly attached to the doctrine, discipline, and worship of the Presbyterian church we cannot submit.*"

It was impossible for any one acquainted with the religious feelings which existed at that moment in the House of Assembly to read the language of this petition without foretelling that it would be productive of a violent religious debate : and, accordingly, as soon as the subject was broached the conflict began. Sometimes the Scotch got uppermost—sometimes the English—but what was ejaculated by either I believe no man living can declare. However, it happened that Mr. M'Kenzie's newspaper came out the next day, and, as he is not only a Scotchman,

but one of Mr. Hagerman's bitterest enemies, your Lordship may easily conceive that Mr. Hagerman's speech was purposely and mischievously made as offensive as possible to the Scotch. As I never do read the debates—which I know to be inaccurately reported—I have not the most distant idea of what was published on this subject, but I understand it was transferred from Mr. M'Kenzie's paper to others; and the consequence was, that the congregation of St. Andrew's Church, in the town of Kingston, at an evening meeting, passed ten resolutions, two of which censured the Solicitor-General, Mr. Hagerman, for the incorrect statements and intemperate language he had been declared to have uttered respecting the church and clergy of Scotland.*

I have now detailed to your Lordship Mr. Hagerman's conduct as regards the great question of the clergy reserves, and I cannot but feel most deeply the treatment he has received.

Mr. Hagerman's whole life in this province has been one of loyalty to his Sovereign, and of national attachment to the mother-country.

In the field, as well as on the floor of the House

* The words imputed to Mr. Hagerman—who denies to have uttered them—were: "The Church of England is *the* established Church; the Roman Catholic Church is *an* established Church; but the Church of Scotland is no more an established Church than that of any other dissenting body in the province."

of Assembly, he has done his duty; and while the republican majority were against him, night after night was he seen fearlessly standing as Solicitor-General of the province against language which would have disheartened almost any man.

On the promotion of the Attorney-General he naturally looked for distinction and reward; but it is sickening to the heart to observe that all his services have been forgotten, that he has been publicly discountenanced by the Government he had served, for no other reason than because, by some channel or other, a newspaper account of a common religious squabble was allowed to enter the Colonial Office! My Lord, this very man, M'Kenzie, who published the statement to which I allude, is known to every one to be the disseminator of falsehoods of the grossest description, and I have no hesitation in saying that no man's character or promotion is safe in this province if extracts from his newspaper are to be received at the Colonial Office as evidence of guilt.* But even supposing the speeches of the

* As a specimen of Mr. M'Kenzie's falsehoods, I may state that one morning, while I was at Toronto, there appeared in his paper a detailed account of my having been taken before a magistrate in the province for horse-stealing. Minute circumstances were detailed, my examination was given, and eventually the words by which it was stated I had at last made myself known to the magistrate.

The story from beginning to end being a falsehood, Mr. M'Kenzie was asked how he could possibly have made such a statement, to which he answered, "*Oh, it served my purpose!*" which was, to

members of the House of Assembly were correctly reported, surely it cannot be desirable to establish as a precedent that every word that in the heat of debate may be uttered by a member on the floor of that House, flies to the Colonial Office, to arise in judgment against him, in case he be recommended for reward. But in this particular case of Mr. Hagerman's a most singular circumstance has occurred. The statement concerning the rectories submitted by your Lordship for opinion to the crown officers of England has completely overlooked Lord Bathurst's despatches, dated 2nd April, 1818, and 22nd July, 1825, which contain the very authority in question. The decision of the crown officers of England is consequently erroneous; and, in reading the despatches alluded to, your Lordship will at once perceive that what they declare to be "not valid or lawful" is in fact both one and the other. This error may throw the whole of this province into commotion and I mention this circumstance as a strong proof that, as mistakes, even in deliberately written documents, must occasionally occur, how hard it is to punish the Attorney-General of Upper Canada for an illegal opinion, which is merely reported in a newspaper to have escaped him in the anger of debate, and which after all he DENIES TO HAVE UTTERED.

circulate the libel in the back woods. It however went much further, for it got into the London 'Times' newspaper, and consequently went round the world.

I respectfully submit that your Lordship should look to the Lieutenant-Governor, and not to the editors of provincial newspapers, for the fitness and character of an Attorney-General to the Crown.

I have already stated to your Lordship that I have only official acquaintance with Mr. Hagerman, but I deeply feel for him, because I know him to have served faithfully, and it is my duty to protect those who have honestly served the King's Government.

Of the Solicitor-General, W. H. Draper, who is also another public sufferer from this newspaper report, I have but little to say, as your Lordship has just had an opportunity of judging for yourself how far the description I had given to your Lordship of that gentleman was correct. He has said not one word to me on the subject of his appointment as Solicitor-General not having been confirmed, but I know that he must feel deeply mortified.

As far as regards my government, the non-confirmation of my law officers *shakes it to the foundation*—it encourages the republicans—it disheartens the constitutionalists.

The despatch in which your Lordship informs me of the reasons which have arrested the appointments of the Attorney and Solicitor-General of this province concludes by your Lordship announcing to me the desire of her Majesty's Government that Mr. Marshal Spring Bidwell, the leader of the republican party of this province, should, contrary to my recommendation, be raised to the bench!

My Lord, among the various difficult duties which I am called upon to perform, there is no one which requires cooler judgment than the impartial selection of individuals for office: the duty is at all times invidious, but there is no part of it more painful to my feelings than the bad custom which exists of giving a description of the various individuals to her Majesty's Government; and I have often almost determined to request that, so long as confidence be reposed in me, my appointments may be confirmed on the faith of my recommendation.

To describe behind his back the character of every individual selected for office, as well as rejected by me—to point out the qualifications of the one, and to record for ever the failings of the other—is an occupation revolting to my feelings; for, however violently a man may have opposed the King's Government, to paint all his faults, to delineate all his weaknesses, and to make accusations against him, which I know he has no power to contradict, is a service which I think no man of honour should ever be called upon to perform. In the case of Mr. Bidwell, I drew his character to your Lordship with a light, and I must say a feeling hand; I wished to avoid saying more of him than was absolutely necessary to show your Lordship that I had sufficient reasons for not having selected him for promotion.

I accordingly acknowledged Mr. Bidwell's ability and moral character, but added, "*yet, anxious as I am to give to talent its due, I cannot but feel that*

the welfare and honour of this province depend on his Majesty never promoting a disloyal man."

"*I therefore consider that publicly to elevate Mr. Bidwell to the bench, would deprive me of the respect and confidence of the people of this province.*"

I certainly considered that the whole tenor of my observations respecting Mr. Bidwell would have satisfied her Majesty's Government that, in not selecting him for promotion, I had reluctantly performed a necessary duty: however, having failed in my expectations, I have now to detail to your Lordship circumstances respecting this gentleman which it is most painful to me to record.

Mr. Bidwell's father, who was a prominent member in Congress, was long distinguished in the United States for his detestation of Great Britain. After having taken the oath of allegiance to the Republic, and of abjured allegiance to the Crown of England, it became necessary for him, on account of conduct which I need not relate, to abscond from justice; and being, in consequence, outlawed by the States, he became an inhabitant of Upper Canada.

On being called upon by Sir Gordon Drummond, during the invasion of this country by the Americans, to take the oath of allegiance to our Sovereign, he at first refused, claiming to be a natural-born British subject; but, it being resolutely required of him, he did so, protesting, however, to the magistrate, that the oath was not binding, inasmuch as it had been

compulsory ; and, on being returned as a member of the Provincial Parliament, he was expelled, and never re-elected. To the last hour of his life his hatred to the British constitution was consistent and unchanged.

His principles were inherited by his son, whose talents, as your Lordship perfectly well knows, have been unceasingly exerted in endeavouring, by subverting the constitution, to dethrone our Sovereign from this portion of his dominions. He has been the untired advocate of republican government, and by his ability, and by his eloquence, he rose to become the leader of the republican party, and eventually he became Speaker of the House of Assembly.

Whenever he had an opportunity of expressing his sentiments, they were in favour of an Elective Legislative Council, of an Executive Council "responsible to the people"—and, just as I was arriving in Upper Canada, he declared in the House of Assembly, that "the King had insulted the Legislature by appointing Commissioners to inquire into the affairs of the province."

In his capacity of Speaker he delivered to me, to be transmitted to the King, one of the most insulting addresses that ever has been offered to the British Sovereign. It declared that I was "*despotic*," "*tyrannical*," "*unjust*," "*deceitful*," that my conduct had been "*derogatory to the honour of the King*," "*demoralizing to the community*," and that I had treated

the people of this province as being "*little better than a country of rogues and fools.*"

Not satisfied with this, Mr. Bidwell, on the last night of the session, presented to the House of Assembly a traitorous communication addressed to him from his fellow-labourer and colleague Mr. Speaker Papineau.

This letter impeached the King's ministers, accused your Lordship of "*arrogance,*" termed the Royal Commissioners the King's "*deceitful agents,*" and was altogether of a purely rebellious character. On my dissolving the parliament and appealing to the people of Upper Canada for redress, they completely overturned the republican party in general, and Mr. Bidwell in particular. In vain he attempted to retain his station, but he was driven by the people not only from the Speakership, but from the House of Assembly itself—in fact, he actually lost his election.

My Lord, the whole of the above facts are known to your Lordship, and yet in the very same despatch in which I learn that the promotion of her Majesty's Attorney and Solicitor-General has, after a whole life of loyalty and devotion to our Sovereign, been arrested, from a newspaper statement of an erroneous opinion said to have been uttered in the heat of a religious debate, I am informed that, in opposition to my recommendation to the contrary, it is the wish of Her Majesty's Government that Mr. Bidwell should be raised to the bench !

In my former despatch on this subject I submitted to your Lordship that "*publicly to raise Mr. Bidwell to the bench would deprive me of the respect and confidence of the people of this province, the welfare and honour of which depended on his Majesty's never promoting a disloyal man.*"

To these principles and opinions I respectfully but unalterably adhere; and nothing is therefore left for me but to declare to your Lordship, with the deepest regret, that so long as I remain Lieutenant-Governor of this province, I will *never* raise Mr. Bidwell to the bench; and I think it proper to confess to your Lordship that I have at this moment two appointments to make of King's Counsel, neither of which can I, conscientiously, bestow upon that gentleman, who has not, as your Lordship seems to conceive, "*at least for the present withdrawn himself from political strife,*" but who, in a moral conflict, has been forcibly driven from the field: Seeing that I have prevented him from becoming President of the republican state of Upper Canada, he might now, no doubt, be happy to become a judge under the monarchy. I know that he expresses his regret at having written to your Lordship a letter of accusations against me, which, when called upon by your Lordship's desire to furnish me with a copy of, he deemed it prudent to decline, but he has never yet publicly recanted his principles or disavowed his party, and his name is at this moment appearing uncontradicted in the Radical newspapers of this province as follows:—

"*Resolved, that reposing the greatest confidence in our fellow-citizens,—*

John Rolph, M.P.P. (*now an absconded traitor*)
Marshall Spring Bidwell, (*left the province*)
S. D. Morrison, M.P.P. (*tried for treason*)
James Liplic, Leslie
James H. Price, } (*notorious republicans*)
John Edward Sims, and
Robert M'Kay, Esquires;

"*We do hereby nominate and appoint them Members of the Provincial Convention for the city of Toronto; carried unanimously and by acclamation.*"

I have now to reply to your Lordship's despatch, No. 158, dated 5th April, 1837, respecting Mr. G. Ridout, which involves constitutional principles of the same vital importance as those which relate to Mr. Bidwell.

Mr. Ridout's case is shortly as follows:—

On the 12th July, 1836, my Secretary addressed to Mr. Ridout a letter, of which the following is a copy:—

Government House, July 12, 1836.

Sir,

I am commanded by the Lieutenant-Governor to call your attention to the enclosed printed address, which has lately been widely circulated by and "on behalf" of a society of which it appears you are an active member.

The Lieutenant-Governor desires me to observe that the language contained in that address has hitherto remained unnoticed by him only from his determination not to inter-

fere with that public verdict which he felt confident the country would clearly express; but as the elections are over, his Excellency considers that in order to maintain the happy constitution of this province inviolate it is absolutely necessary, in obedience to the King's instructions, that no person should be permitted to retain any office of trust or confidence under the British Government, who attempts (however unsuccessfully) to insult the Lieutenant-Governor of this province by language such as is contained in your society's address. His Excellency therefore deems it his painful duty to direct me to inform you that his Majesty has no further occasion for your services as Judge of the Niagara District Court and Justice of the Peace.

I have, &c.

J. Joseph.

On the 12th September, 1836, I transmitted to your Lordship a Memorial from this gentleman, complaining that he had experienced unjust treatment from me, in having been dismissed from the situations of Judge of the District Court of Niagara, of Justice of the Peace, and of Colonel of Militia. Conceiving that your Lordship had confidence in my character and judgment, and having neither time nor inclination to detail the many reasons which had induced me, after mature deliberation, to determine on Judge Ridout's dismissal, I deemed it sufficient merely to inform your Lordship

"That on the 27th March last Mr. George Ridout, heading the deputation, read that address to me from a public meeting held at the City Hall, by Dr. O'Grady,

(Editor of the *Correspondent and Advocate*), and others which I forwarded to your Lordship on the 6th of April last, in my despatch No. 24.

"Shortly afterwards Mr. Ridout made a declaration which became the subject of general conversation, that in the event of his being dismissed by me from office, '*I should deserve to be tarred and feathered, and that he would lend a hand to do so.*'

"In one of the public offices at Toronto he declared that we must or should have '*War to the knife.*'

"Mr. George Ridout was a frequent attendant as well as speaker at the Constitutional Reform Society, from which was widely circulated a printed address, signed by Dr. Baldwin, of which the following is an extract:

"'*It is our duty calmly to assure you that the conduct of Sir F. B. Head has been alike a disregard of constitutional Government and of candour and truth in his statements.*'

"Mr. Ridout declares he is not a *member* of this society, yet from his frequent attendance and speaking at the meetings of this society before as well as after it had, for mere electioneering purpose, changed its name (only a few weeks ago) from the "Alliance" to the "Constitutional Reform Society," I felt I had a right to *consider* him as an active member. Previous, however, to declaring him to be such I took the precaution of obtaining a legal opinion on the subject, which was, that Mr. Ridout did appear to be an active member of the said society.

"It is perfectly true that old Mr. Ridout was a loyal, gentlemanlike, and estimable man, and it was from a benevolent desire to reclaim Mr. George Ridout, his son, from radical principles, that the situations he held were succes-

sively heaped upon him by Sir Peregrine Maitland and by Sir John Colborne; but the more he was favoured, the more violent he became, and when a judge and colonel of militia he talked about tarring and feathering the King's representative, and I considered it was my duty to inform him that his Majesty had no further occasion for his services.

"I may add, that shortly after my arrival here, I myself took a great deal of trouble to endeavour to reclaim Mr. George Ridout, and kindly to persuade him of his errors, but in vain."

In reply to the above communication, which contained an outline of the charges against Mr. Ridout, as well as what he has alleged in his defence, your Lordship was pleased to command me to replace Mr. Ridout in the various employments from which he had been removed. It being utterly impossible for me to obey this order, and retain my authority in the province, I immediately addressed to your Lordship a very long despatch, No. 13, dated 5th February, 1837, to which I particularly beg leave to refer your Lordship, showing your Lordship, that far from having acted hastily, I had not dismissed Judge Ridout until I had consulted and received the concurrent advice of the Attorney-General of this province, as also of my Executive Council.

I also referred your Lordship to an extraordinary document in my favour, transmitted by the House of Assembly not only to your Lordship but to both Houses of the Imperial Parliament, of which the

following is an extract: — "Few governors of a colony were ever placed in circumstances of greater difficulty than those which assailed Sir Francis Head within three months of his assuming the government of this province; and it is perhaps not too much to say, that no man could have met those difficulties, *ungenerously and unreasonably* thrown in his way, with more temper, firmness, and judgment, than he did."

My despatch contained many other documents, all supporting me in the course I had adopted; however, after having maturely considered this evidence, your Lordship was pleased again to reply, that you "felt it your duty still to withhold your approbation of the measures adopted in Mr. Ridout's case."

It is useless for me to presume to argue any longer with your Lordship, or with Mr. Ridout, on this subject, Mr. Ridout resting his whole defence upon two quibbles:—1st, That he was not a *member* of the Constitutional Reform Society, which I have always admitted, having merely said that, by constantly attending and speaking there, he *appeared* to be a member; and, 2nd, That he opposed the name of the society being changed from the "Alliance Society" to the "Constitutional Reform Society;"—which latter argument, as I have already explained to your Lordship, is the same as if a clergyman, on being expelled by his bishop for attending an irreligious meeting, were to prove that he had opposed

the society becoming deistical, because he wished it to remain atheistical.

I have no further accusations to make against Mr. Ridout; I have nothing further to urge against what he has said in his defence, but having, as Lieutenant-Governor, by the advice of my Council, deliberately selected him for punishment, as the most intemperate of my opponents, I feel it necessary, as in the case of Mr. Bidwell, respectfully, but explicitly, to declare to your Lordship, that, so long as I am deemed competent to be Lieutenant-Governor of this province, I decline to have any further communication with Mr. Ridout, and must decline to restore him to the stations from which I have removed him.

My Lord, I have many similar subjects to those which I have already introduced, but will trouble your Lordship with only one more, namely, your Lordship's despatch of the 6th June, 1837, in which I am censured by your Lordship for not having sent Mr. —— with my despatches respecting the monetary affairs of Upper Canada, instead of the Hon. W. H. Draper, a member of my Executive Council.

Your Lordship is already aware that Mr. ——, as a member of my late Executive Council, signed that hostile document which involved me in one of the greatest struggles recorded in the Colonial Office, and that he was subsequently appointed, by the late House of Assembly, as an associate with Mr. Bid-

well and others, to meet Mr. Papineau and others, on the part of Lower Canada.

I have never complained to your Lordship of Mr. ——, or have ever shown him any feeling of hostility; but to have selected him out of the whole province as my messenger to your Lordship, in preference to the confidential members of my own Council, would have been an act of inconsistency, which would have deprived me of the confidence of this country.

It was with regret I observed that, after I had sent from Upper Canada to your Lordship Mr. Draper, as a member of my government, possessing my condence, that that gentleman should have been allowed to return without being the bearer to me of a single line from your Lordship on the subject of his especial mission, or any other subject, and yet that despatches, in which Mr. Draper himself was particularly concerned and even named, were given to a military officer who was a passenger in the very same packet with Mr. Draper.

It is perfectly well known in your Lordship's office that in a colony very considerable importance is assumed by any one who has the honour to be bearer of your Lordship's despatches to the Lieutenant-Governor, and I need not say that these despatches having been withheld from my Executive Councillor, and given to another, forms one of the proceedings of the Colonial Department, which, to the people of this

province, appears as if it were intended to discountenance my administration.

My Lord, I have now finished my statement, and, although I am sensible it may offend your Lordship, yet I have the consolation of reflecting that I have acted on the defensive solely for the benefit of this noble province.

I have no complaints whatever to make against your Lordship, whose intentions I am perfectly confident are pure and just; but it is impossible for me to observe the support which, not only in this province, but elsewhere, is invariably given to the republican party, and the discouragement which is shown to the supporters of the British constitution, without becoming of opinion, that in the Colonial Office an invisible republican influence exists under which Governor after Governor has succumbed.

It may be said that no one of the statements I have made, taken separately, supports so serious an accusation, and freely I admit it; but I ask your Lordship to consider whether the innumerable official obstructions which I have found in my path could all possibly have come there *by chance*?

Whatever may be the opinion of her Majesty's Government on this subject, I do declare to your Lordship that I join the loyal British population of the Canadas in believing that such obstructions have been intentional, and that any Governor who acts as I have done, although he may receive honours from his

sovereign, and thanks from the Colonial Minister, will experience, as I have done, an intangible power which, though it never looks him in the face, will unequivocally decree,—

> "I will drain him dry as hay—
> Sleep shall neither night nor day
> Hang upon his pent-house lid;
> He shall live a man forbid;
> Weary seven nights nine times nine,
> Shall he dwindle, peak, and pine."

My Lord, I can truly say that my spirits, as well as my strength, are worn out by the minute vexations I have met with, and among them there is nothing that I feel more deeply than the mortification which those who have faithfully served the King's Government are now feeling at the non-confirmation of their appointments. I am not, however, writing under the influence of temper, but my judgment calmly warns me that it is impossible for any government on earth to be carried on without the maintenance of a firm and consistent system of rewards and punishments, and that, if the Colonial Office reward those I punish, and punish those whom I reward, my authority here, as well as my character, must be ruined.

I have not been hasty either in my opinions or in my measures, for from the moment of my arrival to the present day, my despatches have invariably expressed to your Lordship sentiments such as are contained in the following extract, which was addressed to your Lordship *seventeen months ago*.

"It is out of my power to describe to your Lordship, without the appearance of exaggeration, the joy and gladness expressed to me by all parties at the constitutional resistance I have made. But I will not conceal from your Lordship that there is one question at this moment in almost everybody's mouth, namely, '*Will the Lieut.-Governor be supported by the Home Government?*' 'HE NEVER WILL!' say the Radicals: 'WE FEAR HE WILL NOT!' say the Constitutionalists.

"Your Lordship has to settle this question; and, in my humble opinion, upon your decision rests our possession of the Canadas."

With the deepest regret, I have at last been driven deliberately to refuse to carry into effect your Lordship's instructions, and having done so, and having avowed opinions hostile to the colonial policy, but which I can assure your Lordship are accompanied with no angry feelings towards any man, I feel it to be a duty which I owe to your Lordship, as well as to myself, respectfully to request that your Lordship will be pleased immediately to tender to her Majesty my resignation of the station which I have the honour to hold.

My Lord, I belong to no political party in England; and even if I did, the British distinction between Whig and Tory, like our London fog, does not cross the Atlantic. The two parties here are constitutionalists on the one side, and democrats on

the other. The dispute on this continent is not, as it is in England, which of two parties shall attain the honour of conducting the government of their Sovereign; but here the great mass of society is striving to secure to their children the blessings of the British constitution, which a small party, from self-interested motives, is endeavouring to pull down. The idle, the profligate, and the unprincipled, see that democracy in the United States is rapidly hurrying to anarchy, and they well know, or rather they reckon, that anarchy, or, in other words, *plunder*, is the shortest method of obtaining wealth.

I have with attention personally observed the effects of democracy in both continents of America, and, having reason to feel deeply attached to the people of Upper Canada, I have determined for their welfare to do all in my humble power to arrest a course of policy which in my opinion has long tended to the subversion on this continent of British institutions.

No one can read an account of the early stages of the American Revolution, without being struck with the resemblance of much that we now witness to that unfortunate period of our history.

It was then a capital error in the Government of the mother-country, that they seemed to believe the Americans to be sincerely contending for the single object of freedom from taxation by the British Parliament, and they imagined that by renouncing that power, and by disabling themselves (by 18 Geo. III.)

from raising money in the Colonies, even for the necessary support of the Government, they would overcome all difficulties. But it was soon evident that the outcry raised about taxation was but the means to another end. Separation from the mother-country was, from the first, the self-interested object of the few ruling demagogues who gave the impulse; and they persevered just as resolutely *after* the ostensible ground of difference had been renounced as before. The Government soon learnt that their measure of conciliation availed them nothing.

So here, in our time, the Government has gone back step by step for years, giving ground before the pretensions of Mr. Papineau and the Assembly, however insolently advanced; weakening by each concession the confidence of the King's loyal and attached subjects, and encouraging as well as strengthening an unprincipled faction avowedly hostile to British rule. No approach to an amicable adjustment has followed any or all of these concessions. On the contrary, they have been so many unprofitable sacrifices of principles and usages necessary to the maintenance of good government, and at the last an end is arrived at, when the King's Ministers are reduced to choose between an unequivocal and direct violation of the Colonial Constitution, or an abandonment of the power of governing. A firm determination early evinced to yield nothing to clamour, to surrender nothing for the mere sake of

conciliation, would have secured to the Government the respect of all classes, and would have averted the necessity of resorting to measures which admit in principle of no defence.

Whatever may have been the brilliant theory of subverting the British Constitution in America, we who are living on this continent clearly see before our eyes its effects; namely, that in the United States the will of the people has become stronger than the power of the law. Public credit, life, and property hang therefore upon the conduct of a dense mass of men, in no one of whose hands can it be wise that such vast interests should be committed. The only remedy is in a revolution, of which it is easier to foresee the beginning than the end.

To save the people of Upper Canada from following in the footsteps of the United States, has been the object of every act of my administration.

I have the honour to be,
My Lord,
Your Lordship's
Most obedient Servant,
F. B. Head.

No. 132.

My Lord, *Toronto, Dec.* 19, 1837.

I have the honour to inform your Lordship that on Monday, 4th inst., this city was, in a moment of profound peace, suddenly invaded by a band of armed

rebels, amounting, according to report, to 3000 men (but in actual fact to about 500), and commanded by Mr. M'Kenzie, the editor of a republican newspaper; Mr. Van Egmond, an officer who had served under Napoleon; Mr. Gibson, a land-surveyor; Mr. Lount, a blacksmith; Mr. Loydd, and some other notorious characters.

Having, as I informed your Lordship in my despatch, No. 119, dated 3rd ultimo, purposely effected the withdrawal of her Majesty's troops from this province, and having delivered over to the civil authorities the whole of the arms and accoutrements I possessed, I of course found myself without any defence whatever, excepting that which the loyalty and fidelity of the province might think proper to afford me. The crisis, important as it was, was one I had long earnestly anticipated, and accordingly I no sooner received the intelligence that the rebels were within four miles of the city, than, abandoning the Government House, I at once proceeded to the City Hall, in which about 4000 stand of arms and accoutrements had been deposited.

One of the first individuals I met there, with a musket on his shoulder, was the Chief Justice of the province, and in a few minutes I found myself surrounded by a band of brave men, who were of course unorganized, and, generally speaking, unarmed.

As the foregoing statement is an unqualified admission on my part that I was completely surprised by the rebels, I think it proper to remind, rather than

to explain, to your Lordship, the course of policy I have been pursuing.

In my despatch, No. 124, dated 18th ult., I respectfully stated to your Lordship, as my opinion, that a civil war must henceforward everywhere be a moral one, and that, in this hemisphere in particular, victory must eventually declare itself in favour of moral, and not of physical preponderance.

Entertaining these sentiments, I observed with satisfaction that Mr. M'Kenzie was pursuing a lawless course of conduct which I felt it would be impolitic for me to arrest.

For a long time he had endeavoured to force me to buoy him up by a Government prosecution, but he sunk in proportion as I neglected him, until becoming desperate, he was eventually driven to reckless behaviour, which I felt confident would very soon create its own punishment.

The traitorous arrangements he made were of that minute nature that it would have been difficult, even if I had desired it, to have suppressed them; for instance, he began by establishing union lists (in number not exceeding forty) of persons desirous of political reform; and who, by an appointed secretary, were recommended to communicate regularly with himself, for the purpose of establishing a meeting of delegates.

As soon as, by most wicked misrepresentations, he had succeeded in seducing a number of well-

meaning people to join these squads, his next step was to prevail upon a few of them to attend their meetings armed, for the alleged purpose of firing at a mark.

While these meetings were in continuance, Mr. M'Kenzie, by means of his newspaper, and by constant personal attendance, succeeded in inducing his adherents to believe that he was everywhere strongly supported, and that his means, as well as his forces, would prove invincible.

I was not ignorant of these proceedings; and in proportion as Mr. M'Kenzie's paper became more and more seditious, and in proportion as these armed meetings excited more and more alarm, I was strongly and repeatedly called upon by the peaceable portion of the commuuity forcibly to suppress both the one and the other. I considered it better, however, under all circumstances, to await the outbreak, which I was confident would be impotent, inversely as it was previously opposed; in short, I considered that, if an attack by the rebels was inevitable, the more I encouraged them to consider me defenceless the better.

Mr. M'Kenzie, under these favourable circumstances, having been freely permitted by me to make every preparation in his power, a concentration of his deluded adherents, and an attack upon the city of Toronto, was secretly settled to take place on the night of the 19th instant. However, in consequence

of a militia general order which I issued, it was deemed advisable that these arrangements should be hurried, and, accordingly, Mr. M'Kenzie's deluded victims, travelling through the forest by cross-roads, found themselves assembled, at about four o'clock in the evening of Monday, the 4th instant, as rebels, at Montgomery's Tavern, which is on the Yonge Street Macadamized road, about four miles from the city.

As soon as they had attained this position, Mr. M'Kenzie and a few others, with pistols in their hands, arrested every person on the road, in order to prevent information reaching the town. Colonel Moody, a distinguished veteran officer, accompanied by three gentlemen on horseback, on passing Montgomery's Tavern, was fired at by the rebels, and I deeply regret to say that the Colonel, wounded in two places, was taken prisoner into the tavern, where in three hours he died, leaving a widow and family unprovided for.

As soon as this gallant, meritorious officer, who had honourably fought in this province, fell, I am informed that Mr. M'Kenzie exultingly observed to his followers, "*That, as blood had now been spilled, they were in for it, and had nothing left but to advance.*" Accordingly, at about ten o'clock at night they did advance; and I was in bed and asleep when Mr. Alderman Powell awakened me to state that, in riding out of the city towards Montgomery's Tavern, he had been arrested by Mr. M'Kenzie and another

principal leader; that the former had snapped a pistol at his breast; that his (Mr. Powell's) pistol also snapped, but that he fired a second, which, causing the death of Mr. M'Kenzie's companion, had enabled him to escape.

As soon as Mr. Powell reached Toronto, the alarm-bell was rung, and, as Mr. M'Kenzie found we might be prepared for him, he forbore to proceed with his attack.

On arriving at the City Hall I appointed Mr. Justice Jones, Mr. Henry Sherwood, Captain Strachan, and Mr. John Robinson, my aid-de-camps. I then ordered the arms to be unpacked, and, manning all the windows of the building, as well as those of opposite houses which flanked it, we awaited the rebels, who, as I have stated, did not consider it advisable to advance. Besides these arrangements, I despatched a message to the Speaker of the House of Assembly, Colonel the Honourable Allan M'Nab, of the Gore District, and to the Colonels of the militia regiments in the Midland and Newcastle Districts: an advanced picquet of thirty volunteers, commanded by my aid-de-camp, Mr. Justice Jones, was placed within a short distance of the rebels.

By the following morning (Tuesday) we mustered about 300 men, and in the course of the day the number increased to about 500; in the night, an advanced picquet, commanded by Mr. Sheriff Jarvis, was attacked within the precincts of the city by the

rebels, who were driven back, one of their party being killed and several wounded.

On Wednesday morning we were sufficiently strong to have ventured on an attack, but, being sensible of the strength of our position, being also aware how much depended upon the contest in which we were about to be engaged, and feeling the greatest possible reluctance at the idea of entering upon a civil war, I despatched two gentlemen to the rebel leaders, to tell them that, before any conflict should take place, I parentally called upon them, as their Governor, to avoid the effusion of human blood. In the mean while, however, Mr. M'Kenzie had committed every description of enormity; he had robbed the mail with his own hands,—had set fire to Dr. Horne's house,—had plundered many inoffensive individuals of their money,—had stolen several horses, —had made a number of respectable people prisoners; and, having thus succeeded in embarking his misguided adherents in guilt, he replied to my admonition by a message, that he would only consent that his demands should be settled by a national convention, and he insolently added that he would wait till two o'clock for my answer, which in one word was, "*Never.*"

In the course of Wednesday the Speaker of the House of Assembly, Colonel the Honourable Allan M'Nab, arrived from the Gore District at the head of about sixty men, whom he had assembled at half an hour's notice; and, other brave men flocking in to

me from various directions, I was enabled by strong piquets to prevent Mr. M'Kenzie from carrying into effect his diabolical intention to burn the city of Toronto, in order to plunder the banks ; and, having effected this object, I determined that, on the following day, I would make the attack.

Accordingly, on Thursday morning, I assembled our forces, under the direction of the Adjutant-General of militia, Colonel Fitzgibbon, clerk of the House of Assembly.

The principal body was headed by the Speaker, Colonel Allan M'Nab, the right wing being commanded by Colonel Samuel Jarvis, the left by Colonel William Chisholm, assisted by the Honourable Mr. Justice M'Lean, late Speaker of the House of Assembly; the two guns by Major Carfrae of the militia artillery.

The command of the militia left in the city remained under Mr. Justice Macaulay, and the protection of the city with Mr. Gurnett, the mayor.

I might also have most advantageously availed myself in the field of the military services of Colonel Foster, the Commander of the forces in Upper Canada, of Captain Baddeley of the corps of Royal Engineers, and of a detachment of eight artillerymen, who form the only regular force in this province; but, having deliberately determined that the important contest in which I was about to be engaged should be decided solely by the Upper Canada militia, or, in other words, by the free inhabitants of this noble province, I was

resolved that no consideration whatever should induce me to avail myself of any other assistance than that upon which, as the representative of our gracious Sovereign, I had firmly and implicitly relied.

At twelve o'clock the militia force marched out of the town, with an enthusiasm which it would be impossible to describe, and in about an hour we came in sight of the rebels, who occupied an elevated position near Gallows Hill, in front of Montgomery's tavern, which had long been the rendezvous of Mr. M'Kenzie's men. They were principally armed with rifles, and for a short time, favoured by buildings, they endeavoured to maintain their ground ; however, the brave and loyal militia of Upper Canada, steadily advancing with a determination which was irresistible, drove them from their position, completely routed Mr. M'Kenzie, who, in a state of the greatest agitation ran away, and in a few minutes Montgomery's tavern, which was first entered by Mr. Justice Jones, was burnt to the ground.

Being on the spot merely as a civil Governor, and in no way in command of the troops, I was happy to have an opportunity of demonstrating to the rebels the mildness and beneficence of her Majesty's Government, and, well knowing that the laws of the country would have ample opportunity of making examples of the guilty, I deemed it advisable to save the prisoners who were taken, and to extend to most of these misguided men the royal mercy, by ordering

their immediate release. These measures having been effected, and the rebels having been deprived of their flag (on which was inscribed in large letters

" BIDWELL, and the glorious minority!
" 1837, and a good beginning!")

the militia advanced in pursuit of the rebels about four miles, till they reached the house of one of the principal ringleaders, Mr. Gibson, which residence it would have been impossible to have saved, and it was consequently burned to the ground.*

The infatuated followers of Mr. M'Kenzie were now completely dispersed; deceived and deserted by their leaders, they sought for refuge in all directions; ashamed and disgusted with the murder, arson, highway and mail robbery, which he had committed before their eyes, and detesting him for the overbearing tyranny of his conduct towards them, they sincerely repented that they had ever joined him; and I have been credibly informed that their wives and children now look upon Mr. M'Kenzie as their most malignant enemy. Mr. M'Kenzie has fled to the United States—Mr. John Rolph has absconded—Mr. Bidwell,† who took no part in the affray, has amicably agreed with me to quit, and has quitted this province for ever—Dr. Morrison and the Captain Van Egmont are our prisoners—Mr. Lount and Mr. Gibson

*By my especial orders.

† The gentleman whom I had been directed to raise to the bench.

have fled, and I understand are making for the United States. As Mr. M'Kenzie had been particularly active in disseminating his principles throughout the London district, and as Dr. Duncombe, well known to the House of Commons in England, was reported to be there with a body of armed rebels, I deemed it advisable, as soon as the militia returned to Toronto from driving Mr. M'Kenzie from Gallows Hill, to order a body of 500 men to proceed immediately to the London district. I placed this corps under the command of the Hon. the Speaker of the House of Assembly, Colonel Allan M'Nab, who, with great promptitude, marched with it to the point of its destination.

On the day of Mr. M'Kenzie's defeat, as well as on the following morning, bands of militia-men, from all directions, poured in upon me, in numbers which honourably proved that I had not placed confidence in them in vain.

From the Newcastle district alone 2000 men, with nothing but the clothes in which they stood, marched, in the depth of winter, towards the capital, although nearly 100 miles from their homes.

From Gore, Niagara, Lake Simcoe, and from various other places, brave men, armed as well as unarmed, rushed forward unsolicited; and, according to the best reports I could collect, from 10 to 12,000 men simultaneously marched towards the capital *to support me in maintaining for the people of Upper Canada the British constitution.*

The numbers which were advancing towards me were so great that, the day after Mr. M'Kenzie's defeat, I found it absolutely necessary to print and circulate a notice declaring "*that there existed no farther occasion for the resort of militia to Toronto;*" and the following day I was farther enabled to issue a general order, authorizing the whole of the militia of the Bathurst, Johnstown, Ottawa, and Eastern districts, to go and lend their assistance to Lower Canada. I have now completed a plain statement of the events which have occurred in this noble province during the last week, and have done so at some length, as the moral they offer is most important.

Your Lordship knows that at the last election Mr. M'Kenzie, and those of his party who advocated murder, plunder, equal rights, and revolution, under the mask of reform, in vain applied to farmers and yeomen of this country to support them, instead of supporting me. Driven by the voice of the people from their seats in the House of Assembly, they declared that they had only been defeated by the influence of a corrupt Government. However, the moment the charges made against me in the House of Commons reached this country, the House of Assembly deliberately investigated the whole affair, which they proved and pronounced to be a series of wilful and premeditated falsehoods.

Mr. M'Kenzie and his party, finding that at every point they were defeated in a moral attack which they

had made upon the British constitution, next determined to excite their deluded adherents to have recourse to physical strength. Being as ready to meet them on that ground as I had been ready to meet them in a moral struggle, I gave them every possible advantage. I in no way availed myself of the immense resources of the British empire; on the contrary, I purposely dismissed from this province the whole of our troops. I allowed Mr. M'Kenzie to *write* whatever he chose, *say* what he chose, and *do* what he chose; and, without taking any notice of his traitorous proceedings, I waited, with folded arms, until he had collected his rebel forces, and had actually commenced his attack.

I then, as a solitary individual, called upon the militia of Upper Canada to defend me, and the result has been as I have stated, viz., that the people of Upper Canada came to me when I called them; that they completely defeated Mr. M'Kenzie's adherents, and drove him and his rebel ringleaders from the land.

(When her Majesty's Government published this despatch, they omitted the following paragraphs and words printed in italics):—

*"*These are historical facts which it is impossible to deny; and the plain inference is, that the inhabitants of Upper Canada, as I have often publicly declared, detest democracy, and revere the noble monarchical institutions of the British empire.*

* For want of this moral, or explanation, my policy in quelling the mutiny has been severely condemned.

" My Lord, what a serious lesson have the inhabitants of Upper Canada offered to their mother-country ! Our evidence, humble as it is, will surely bring conviction to the minds of those misnamed reformers, who, ignorant of the blessings they enjoy, desire to adulterate the purity of our revered institutions : situated as we are here, surely we are better able to judge between monarchical and republican Government than the people in England, who are acquainted only with the former. The faithful attachment which this province has evinced to British justice, to British juries, and to the British Sovereign, is the noblest instance of independence I have ever witnessed, and it induces me to tell your Lordship, plainly and unequivocally, that neither the Legislature nor the people of Upper Canada will any longer submit to the base conciliations which have long disgraced the Colonial Office.

" My Lord, it has long been notorious to every British subject in the Canadas, that your Lordship's Under-Secretary, the author of our Colonial despatches, is a rank republican. His sentiments, his conduct, and his political character, are here alike detested, and I enclose to your Lordship Mr. M'Kenzie's last newspaper, which, traitorous as it is, contains nothing more conducive to treason than the extracts which as its text it exultingly quotes from the published opinions of her Majesty's Under Secretary of State for the Colonies !

" These sentiments have already been very clearly

expressed by me to your Lordship, especially in my despatch dated 10*th September,* 1837*; and I am perfectly confident that the triumph which this noble province has gained will never be complete until the Government shall remove from office a man who, by discouraging the loyal and encouraging the disaffected, has at last succeeded in involving the Canadas in civil war.*" It now only remains for me to inform your Lordship that Mr. M'Kenzie, who is escaped to Buffalo, in the United States, has by falsehood and misrepresentations, almost succeeded in exciting a large body of labourers out of work to invade Upper Canada for the purpose of plundering the banks and of gaining possession of the crown lands, [*which your Lordship is aware I have been desired to surrender to the Provincial Legislature.*] This [*new feature in "reform"*] is [*one which*] at this moment [*is*] causing throughout the province considerable excitement, and I must say that, for the sake of humanity, I earnestly trust and hope the attempt will not be made.

I entertain the utmost reliance that the Government of the United States will nobly prevent any such invasion. I am persuaded that all Americans of intelligence and property will feel that the character of their country requires them to discountenance a lawless and unprincipled aggression [*which would bring upon them the execration of the civilised world; for where would they stand in the estimation of mankind if they were to be seen ungratefully re-*

paying the high-minded and successful exertions which Great Britain lately made to save them from war, by steeping her colonies in blood and misery?]

Should, however, any of the inhabitants of Buffalo, or other frontier towns, regardless of these sentiments, [*presume,*] for the sake of plunder, to invade the free and independent people of Upper Canada, I feel confident that every man in the province, Indians and black population included, will assemble together in one band to exterminate the invaders or to perish in the attempt.

I have, &c.

The Lord Glenelg, &c. F. B. Head.

No. 133.

Toronto, 28th December, 1837.

My Lord,

I have the honour to transmit to your Lordship a copy of the speech with which I have this day opened the Legislature of this province, together with copies of sundry documents, which will explain to your Lordship—firstly, that the rebellion which has broken out here has been effectually put down, with the loss on the side of the Constitutionalists of only one man killed; and, secondly, that an unprovoked attack has been made upon our territory by American citizens, who have succeeded in taking possession of Navy Island (which is about two miles above the cataracts), have entrenched and garrisoned it, have planted thirteen pieces of cannon upon it, and,

in fact, have thus formed a camp upon our territory, to which people, by handbills termed proclamations of the Provisional Government, are publicly invited under the promise that "three hundred acres of the most valuable land in Canada, and one hundred dollars in silver, will be given to each volunteer who may join the Patriot forces in Navy Island."

I have communicated these facts to His Excellency the Earl of Gosford, and to Sir John Colborne, and have addressed communications to the Governor of the State of New York, and to her Majesty's Minister at Washington, copies of which I have the honour to enclose. I have stationed a militia force of about 2000 men on the Niagara frontier, and have made all the arrangements in my power for calling out the militia of the province, in case their services should be required.

Having thus done all in my power to withstand the invasion of a foreign enemy, which was never contemplated in my despatch to your Lordship, No. 124, dated 18th November, I feel it my duty to recommend, contrary to the suggestions contained in that despatch, that her Majesty's Government should afford to the Commander of the Forces every possible assistance, promptly and effectually, to put down this attack by American citizens, unauthorised by their Government, and in open violation of the laws of nations.

I have, &c.

The Lord Glenelg, &c. F. B. Head.

Niagara Frontier, Upper Canada,

My Lord, 16*th Jan.* 1838.

I have great pleasure in communicating to your Lordship that the pirates have been driven from Navy Island, which is now in possession of her Majesty's forces on this frontier.

I have also the satisfaction to state that the gallant militia of Upper Canada have also driven the pirates, who had taken possession of the Bois Blanc Island, from that position, and in a most gallant manner have captured a schooner off Malden, which is on the St. Clair river, about sixteen miles below Amherstburg.

As this vessel contained three pieces of artillery, 200 stand of arms, and most of the principal officers of the pirate force, her loss will discourage them; and, finding that at both ends of the province they have been discomfited by its brave inhabitants, I trust they will find it necessary to abandon the infamous attempt, which has been made by the citizens of the United States, to plunder the property and overrun the institutions of a province with which they were, politically, existing in friendly alliance.

I have, &c.

(Signed) F. B. Head.

The Lord Glenelg, &c.

CHAPTER X.

Order back the militia.—Address the Governor of the State of New York—H. S. Fox, Esq., Her Majesty's Minister at Washington—Despatch to Her Majesty's Government.—American pirates forced to abandon Navy Island.—Receive Despatch accepting my resignation.—Important reply thereto.—Allegations against one of Her Majesty's Under-Secretaries of State for the Colonies.—Nature of evidence.

By people in England I have been generally blamed for allowing treason to come to a head. But the fact is, the province had suffered quite enough from agitation; and, as I had carefully tested the materials with which I had to work, I felt that, instead of either trying to conciliate Mr. M'Kenzie, or make his fortune by a Government prosecution, I had better let him come within the reach of the law and then let it hang him. His legs saved him from the latter fate; but so faithfully did the brave and loyal Militia of Upper Canada respond to the confidence that had been reposed in them, that the insurrection was no sooner quelled than we were threatened with being absolutely overwhelmed at Toronto by those who were rushing forward to die, if necessary, in defence of monarchial institutions. The general order already alluded to was accordingly instantly promulgated, besides which, expresses were sent in all directions, of which the following is a specimen :—

No. 14.

Sir,

Enclosed I send you a copy of his Excellency's order issued after the defeat of the rebels, to prevent the recourse of the immense number of loyalists flocking to the capital. They are not now required; and his Excellency being informed that you are upon your march to this place, with a body of fine fellows, I am desired to express to you and your men the high sense his Excellency entertains of your loyalty and zeal, and to thank you and your men for this evidence of their determination to put down rebellion, and to desire that you will return to your respective homes, holding yourselves in readiness to act when called upon.

I have the honour to be,

Sir,

Your obedient servant,

Jonas Jones, A. D. C.

Colonel M'Donell,
2nd Northumberland Militia.

The following despatches, written on the exigency of the moment, will, I believe, faithfully portray the hydra-headed difficulties which the loyalty of the people of Upper Canada, one after another, triumphanly overcame.

No. 31.

To his Excellency Governor Marcy, State of New York, Albany.

Government House, 13th Dec. 1837.

Sir,

Your Excellency has doubtless received intelligence,

though not of an authentic character, of an insurrectionary movement which within the last few days has been made in this province, and which the loyal feeling of a great mass of her Majesty's subjects has enabled me promptly to suppress. Though an occurrence of this particular nature in a country immediately adjoining the state under your Excellency's government must naturally excite a considerable degree of interest, I might not have felt myself called upon to communicate with your Excellency upon the subject, if I had not received an official report from the magistracy of the district of Niagara, that efforts are made by calling public meetings in Buffalo to procure countenance and support among the inhabitants of that city to the efforts of the disaffected in Upper Canada.

I am perfectly persuaded that, under any circumstances, the public authorities in the United States would exert themselves to strengthen, rather than to disturb, the kind feeling which has for so many years united the natives of Great Britain and the United States in the most amicable relations; and when I acquaint your Excellency that the armed party of traitors who are now dispersed, during the few days that they remained embodied, were guilty of such unprovoked and wanton acts of murder, arson, and robbery, as disgusted their adherents, and occasioned their rapid desertion, I feel no doubt that whatever may be justly done by the Government of one friendly and enlightened nation towards restraining its subjects from disturbing the peace and injuring the unoffending inhabitants of another, may confidently be expected of your Excellency.

It is fit I should apprize your Excellency that there is not at this moment to my knowledge, within the whole extent of Upper Canada, a single body of men assembled with

arms, or otherwise in opposition to the Government. Before the 5th of December there had been about 500 or 600 men hastily got together at the instigation of a Mr. M'Kenzie, the editor of a seditious newspaper here; but these have been wholly dispersed, and their leader, we understand, is now in Buffalo, endeavouring to excite there a support which he fails to meet with in his province.

I have the honour to be,

Your Excellency's most obedient,

humble servant,

F. B. Head.

No. 88.

To His Excellency Governor Marcy.

Toronto, 23rd December, 1837.

Dear Sir,

I take the liberty of introducing to your Excellency the Honourable Archibald M'Lean, late Speaker of the House of this province, who is the bearer of a communication from me to her Britannic Majesty's Minister at Washington, on the same subject on which I had the honour to address your Excellency on the 13th instant; a copy of which communication Mr. M'Lean takes to Washington.

Mr. M'Lean will inform your Excellency that the party of Americans who, under the command of Mr. Van Rensalaer, have taken possession of Navy Island, have issued a proclamation, hoisting in Canada the flag of independence, offering a reward of five hundred pounds for my apprehension, with three hundred acres of our crown lands to every volunteer who will join in the invasion of this province.

I have not yet had the pleasure of hearing from your Excellency (which, indeed, time has not admitted of), but I

feel confident your Excellency will, by the most energetic means, put an immediate stop to proceedings which must otherwise inevitably lead to a national contest.

Mr. M'Lean will have the honour to submit to your Excellency any further information which you may desire.

I remain, with much consideration,

Your Excellency's

Very faithful and obedient servant,

F. B. Head.

Private. No. 89.

To his Excellency Henry S. Fox, Washington.

Government House, Toronto,
23rd December, 1837.

Sir,

I beg leave to introduce to your Excellency the Honourable Archibald M'Lean, late Speaker of the House of Assembly of this province, and now one of its Judges.

My official communication will explain the object of his mission, which, I regret to say, is, I conceive, of a very alarming nature.

The little outbreak in this province has been completely put down by the people themselves, for I had no other assistance. But the case has assumed a new feature. A number of American citizens of wealth and intelligence are desirous to get possession of this fine province, and to swamp our institutions; they willingly afford money, and, as thousands of people are everywhere out of work in the United States, an invasion may be made, which it would be out of our feeble power to resist.

I trust I am not apt to be unreasonably alarmed, but can sincerely assure you that, unless the American Government take *immediate* measures to put down the invasion of this territory by *force of arm*, I think the worst will happen.

A body of Americans, headed by an American, have now, with about 700 men, taken possession of Navy Island, which belongs to Great Britain. They have issued there a proclamation declaring the independence of Canada, have offered a reward of 500*l.* for my apprehension, and 300 acres of the richest lands of the crown to whoever will volunteer to assist them in invading this territory.

The people of the United States are so excited on the subject, and so ripe for plunder, that no words or writing will, in my opinion, stop them. I consider that the United States Government must either put down the aggression by force, or be held responsible for the consequences.

I remain, with great consideration,

Your obdient servant,

F. B. Head.

No. 113.

Niagara, January 16*th,* 1838.

My Lord,

I have great pleasure in communicating to your Lordships that the pirates have been driven from Navy Island, which is now inpossession of her Majesty's forces on this frontier.

I have also the satisfaction to state that the gallant militia of Upper Canada have also driven the pirates, who had taken possession of Bois Blanc Island, from that position, and in a most gallant manner have captured a schooner off Malden, which is on the St. Clair river, about sixteen miles

below Amherstburg: as this vessel contained five pieces of artillery, 200 stand of arms, and most of the principal officers of the pirate force, her loss will discourage them ; and, finding that at both ends of the province they have been discomfited by its brave inhabitants, I trust they will find it necessary to abandon the infamous attempt which has been made by citizens of the United States to plunder the property and overrun the institutions of a province with which they were politically existing in friendly alliance.

I have the honour, &c.

F. B. Head.

The Lord Glenelg, &c.

(copy.) No. 238.

Downing Street, 26th October, 1837.

Sir,

I have the honour to acknowledge the receipt of your despatch, No. 99, of the 10th September last.

I will not conceal from you the surprise with which I have perused that despatch, nor my sense of the degree of public inconvenience likely to ensue from so abrupt a termination of your administration of the affairs of Upper Canada, at a period when the result of your policy in several important questions remains undecided, and when it is obviously of the greatest consequence that measures recommended and initiated by yourself should be followed up under your own superintendence in the approaching session of the provincial Legislature. I therefore feel it my duty to abstain from laying your resignation before the Queen until I shall have had an

opportunity of consulting my colleagues collectively as to the course which it will be right for me to adopt. The absence of several of them from London at the present moment precludes my doing this immediately, although the delay, I trust, will be of very short duration. In the mean time I purposely abstain from adverting to any of the topics which you have introduced into your despatch.

I have, &c.

(Signed) GLENELG.

Lieutenant-Governor Sir Francis Bond Head.

&c. &c. &c.

No. 247.

Downing-street, 24th Nov., 1837.

SIR,

In my despatch of the 26th of October, No. 238, I acknowledged the receipt of your despatch of the 10th of September, No. 99, and informed you that I had felt it to be my duty to abstain from laying before the Queen your resignation of the office of Lieutenant-Governor of the province of Upper Canada, until I should have had an opportunity of consulting my colleagues collectively, as to the course which it would be right for me to adopt. Her Majesty's confidential advisers having now bestowed their careful attention on the whole subject, I proceed to communicate to you the result of their deliberations. It is due to my own character, and to the station which I have

the honour to hold, that I should connect this communication with an explicit reference to the various grounds which you have assigned in explanation of your conduct on this occasion. The first of these topics, however, I shall pass over with a very few words. To those who have intrusted me with the office which I now fill I have given the most precise explanation of the mode in which I have executed the duty of superintending your administration of the affairs of Upper Canada. But to an officer serving under my immediate authority, who charges me with having surrendered the exercise of my own independent judgment to some invisible and overruling influence, exerted for the introduction of republican principles into British North America, I need make no reply—contented to refer to his more calm and deliberate judgment the question whether it is fitting that so serious a charge should be conveyed in such a form, and on such an occasion.

Commencing with this topic, you next proceed to announce that the system of policy pursued by my predecessors and by myself, in reference to British North America, is essentially opposed to your own. This declaration naturally leads to the inquiry whether, during the period of our official connexion, there has ever arisen, until the present time, any material question of practical conduct on which we have differed. Our abstract principles may not have been the same: in our official correspondence you may have occasion-

ally advanced doctrines to which I have not been able to give my assent. Such disagreements are more or less inseparable from every discussion between those who at once assert for themselves, and respect in others, the free exercise of an independent judgment.

Habitually indisposed to make my official correspondence the channel for the debate of abstract questions of policy, I have been content to know that you were prepared to obey my instructions, and have felt comparatively very little concern as to the light in which you might regard my opinions. Whatever theoretical distinctions may have existed between you and me, it is at least clear that, subject to the exceptions to be noticed in the sequel, you have avowed your entire acquiescence in the whole tenor of my instructions, and that every act of which you have been the author, involving any of the general and permanent interests of the province, I have sanctioned and approved.

[After replying to nine trifling subjects of complaint the despatch proceeds as follows.]

X. Another specific complaint urged in your despatch is, that I employed, not Mr. Draper, but another gentlemen, as the bearer of my despatches to you respecting the financial affairs of the province. Even this complaint, slight as it may appear, must not pass unnoticed.

I fully intended to make Mr. Draper the bearer of my despatches in question. With that view he was requested to attend at this office. He promised to do

so, but, from causes unexplained and unknown to me, Mr. Draper left England without presenting himself at this office; and the employment of another messenger was therefore a matter of inevitable necessity. These facts were communicated to you on the 4th of August. When you wrote your despatch of the 10th of September, you had probably not received that communication.

In the preceding observations I beg to state that I mean to make no complaint of Mr. Draper, nor to imply the slightest reflection upon him of any kind. My opinion of that gentleman has been sufficiently attested by the confirmation, since that time, of his appointment as Solicitor-General of the province.

The next topics to which I have to advert demand the more particular notice, as they appear to be regarded by you as the more immediate and prominent grounds of your resignation.

XI. You remonstrate against my instruction on the subject of Mr. Bidwell's eventual promotion to the bench, in case of a future vacancy; and you declare your determination never to carry that instruction into effect. Your opposition is vindicated by the objections which you make to the political career of Mr. Bidwell, and which, you insist, ought to have forbidden the adoption by her Majesty's Government of any resolution favourable to that gentleman's employment in the service of the Crown.

My estimate of Mr. Bidwell's character and claims

to advancement to the bench had been derived chiefly from your own despatches. It was on no lower authority that I adopted the opinion that he was properly eligible for that distinction. You now inform me that you had drawn his character with a light and feeling hand. You had, however, acknowledged Mr. Bidwell to be a gentleman of great abilities, of the first eminence in his profession, and of irreproachable private character. I knew, indeed, that he had formerly taken a very prominent part in opposition to your own measures, and those of your immediate predecessor. You had stated that his object "so far as it could be elicited by the conduct of his associates," was to separate Upper Canada from the parent state; and you had claimed my assent, in reference to this gentleman, to the proposition, "that, where a man acts with disloyal associates, his talents aggravate rather than extenuate his offence." I had further been apprized that Mr. Bidwell had entirely retired from political life, confining himself to the duties of his profession, and had ceased to act with the party of which he had formerly been a member. Such was my information when I instructed you eventually to offer to Mr. Bidwell a seat on the bench. I confess that it did not appear to me fit that, under such circumstances, he should be punished by a permanent and irreparable incapacity for a promotion to which, on the grounds of private cha-

racter, no objections could be raised, and to which, on the grounds of professional eminence, he had the highest possible title. It appeared to me dangerous, or rather impracticable, to govern the province on the principle of a proscription of the whole of one large body of the inhabitants. You now indeed make the additional statement that Mr. Bidwell wa a member of a revolutionary society called the "Provincial Convention!" Of this fact I was totally ignorant until the receipt of the very despatch now under consideration. By a despatch from you of a still later date, namely of the 22d of September, it appears that a letter bearing the date of the 3rd of August, and the signature of Mr. Bidwell, was published at Toronto on the 20th of September, in which Mr. Bidwell expressly declines to be a member of that society, and complains of the unauthorized use of his name for that purpose. In reporting this fact, you assume that the date which the letter bears was purposely falsified; that Mr. Bidwell had heard of the intentions in his favour, and had published his letter with a false date, in order to remove an objection which might have obstructed his advancement. On what authority this accusation is made you have not explained; and without some such explanation I could not impute what would be in effect a wilful violation of truth to a gentleman whose moral character is

unimpeached by his most decided political antagonists. If, however, the only practical ground of difference between you and me had been the promotion of Mr. Bidwell, I should have been anxious, for the present at least, to defer to the strong opinion which you have expressed against my recommendation. Mr. Bidwell had certainly no claim of strict right to the promotion in question. Every selection of that kind is an act of discretionary authority in which the Government is not only at liberty, but is bound, to weigh all conflicting prudential considerations on either side; and, whatever may have been my views respecting Mr. Bidwell's appointment, I do not scruple to admit that, if I had been to make my choice between the execution of that purpose and your continuance in office, I should not have hesitated to prefer the latter alternative.

XII. But Mr. Ridout's case is of a different complexion, and with respect to it I am compelled to acknowledge my irreconcilable dissent from your judgment and conclusions.

In the despatch to which I am now replying, the particulars of this case are recapitulated but briefly, and therefore with that kind of inaccuracy which is inseparable from the abridgment of any considerable extent of detail. On the other hand, in the correspondence which has taken place on this subject, and which is comprised in the despatches referred to in

the margin,* will be found a full and careful investigation and statement of every material circumstance. To that correspondence I reply with confidence, as proving that the course which I pursued was imperatively forced upon me by the duties of my office, and by the obligations of justice to Mr. Ridout, and of good faith to the province at large.

I think it necessary, however, to preface the remarks I have to make on this subject by a short summary of the facts as they are to be collected from the papers before me.

You dismissed Mr. Ridout from the offices of Colonel of Militia, Judge of the District Court of Niagara, and Justice of the Peace, and caused a letter to be addressed to him, in which that measure was stated to have been taken on the ground that it appeared that he was an active member of a society which had circulated an address insulting to your person and office. Mr. Ridout distinctly denied that he was a member† of that society; that he had any-

* Sir F. Head, 12th Sept. 1836, No. 72. Lord Glenelg, 29th Nov. 1836, No. 113. Sir F. Head, 6th Feb. 1837, No. 13. Lord Glenelg, 5th April, 1837, No. 158.

† Is it not astonishing that, notwithstanding the uncommon ability with which this despatch is written, the Colonial Office should persist in not seeing the real bearing of the case, namely, that Mr. Ridout cunningly answers the charge that "he *appeared* to be an active member," by stating (what was quite true) that he *was* not a member of it?

thing to do with drawing up the address in question; or that he had even seen it, until it was in circulation in print through the city of Toronto. He transmitted to you evidence on oath in corroboration of his statement. As you took no notice of his complaint, he placed in your hands an appeal to myself, having first requested, in terms to which no possible objection could be made, that, if there were any other reasons for his dismissal than that which you had assigned to him, he might be informed of them. You did not comply with this request, but, in transmitting to me his appeal, you imputed to Mr. Ridout various acts of misconduct to which no allusion had been made in your correspondence with him. I answered you by stating in effect that, in deciding on Mr. Ridout's appeal, it was impossible for me to advert to any other grounds of accusation than that which had been made known to Mr. Ridout as the cause of his dismissal.

I explained the reasons which led me to regard as satisfactory Mr. Ridout's defence against the charge of which alone he had been informed, and I signified to you his late Majesty's commands that Mr. Ridout should be permitted to resume the various employments from which he had been removed. Against this decision you remonstrated in your despatch of the 6th of February. You then for the first time

informed me that you had acted on this subject with the advice of the Executive Council. In my reply of the 5th of April, after stating my dissent from some of the principles which you had maintained with reference to this case, I further addressed you in the following terms :—

" From your despatch of the 6th of February, I now, however, for the first time, learn that Mr. Ridout's removal from office was recommended by the Executive Council ; and I further learn that they adhere to their original opinion." [See the despatch already before the reader.]

I have entered on the preceding statement as necessary to explain and justify the very material fact which I am desirous to record. That fact is, that the instructions which you now refuse to obey do not direct Mr. Ridout's reinstatement. In the exercise of the authority with which I was invested, I directed you to place a Judge, whom you had dismissed from office, in possession of the grounds of that very grave proceeding, before I could confirm his removal. I called upon you to render to him that measure of justice which the humblest member of society is entitled to demand, by making known to him what were the reasons on which the representative of his Sovereign had sentenced him to degradation and punishment.*

* This despatch had scarcely left the Colonial Office when Toronto

This is the instruction which you meet with a direct and positive refusal. Such is one of the most prominent grounds on which, at a moment of extreme embarrassment and difficulty, you have resigned the administration of the Government of Upper Canada. Your deliberate refusal to obey my instructions of the 5th of April is communicated to me for the first time in a despatch dated on the 10th of September. It is to be collected, from other communications of yours which are recorded in this office, that my despatch of the 5th of April had reached your hands on the 26th of June; that is, between two and three months before the date of the peremptory declaration that on this point, at least, you would not conform to the unequivocal instructions of your official superior. You must permit me to say that your purpose ought to have been much sooner announced. I cannot acknowledge the justice or propriety of leaving me so long in ignorance of such a decision, and of the resignation, which you represent as immediately and unavoidably connected with it.

I have thus noticed, separately and distinctly, the various accusations of which, in your despatch of the 10th of September, you have made me the object. I

was attacked by the rebels. Surely this fact ought to vindicate the very few dismissals which I had previously made.

If I had been arbitrary or unjust, could I have withstood the rebellion without troops?

have not stopped to comment on particular expressions, or on the general tone and style of that communication. The respect with which her Majesty's Government have invariably acknowledged your public services is too sincerely entertained to leave room for any other feeling than that of regret, in contemplating the position which you have thought it proper to assume with relation to them. So long as I could rely on your assurance that your policy would be regulated by the instructions which you had received from me, I felt fully justified in continuing in your hands the administration of the province. You now, however, inform me that you have felt it your duty frankly to disclose to me opinions and sentiments, which, being hostile to the policy of the office over which I preside, ought not to be withheld from me. You have accompanied this disclosure with a positive refusal to carry my instructions into effect, in a case in which that refusal involves not only disobedience to my directions, but actual injustice to an individual who has appealed to me for redress.

Under these circumstances her Majesty's Ministers have, after the fullest deliberation, thought it their duty to tender to the Queen their advice that your resignation should be accepted; and I have received her Majesty's commands to signify to you her acceptance of it accordingly.

In conformity with your request, your successor will proceed to Upper Canada with the least possible

delay. In the mean time, I rely on your devoting the short period of your future administration of the affairs of Upper Canada to the protection and advancement of those highly important interests which, during the last two years, have been intrusted to your guidance with so much advantage to the public service.

I have, &c.

(Signed) GLENELG.

(COPY). No. 11.

Toronto, January 26th, 1838

MY LORD,

I have the honour to acknowledge the receipt of your Lordship's despatch, No. 247, dated 24th November, 1837, in which you inform me that her Majesty has been graciously pleased to accept my resignation, and that my successor will proceed to Upper Canada with the least possible delay.

As I had not only tendered my resignation, but had deliberately refused to carry into effect the commands I had received from your Lordship respecting the restoration of Judge Ridout to the offices from which I had removed him, and respecting the elevation of Mr. Bidwell to the Bench, I was quite prepared to have received from her Majesty's Government, with the utmost submission, the above commu-

nications, and I can truly assure your Lordship that, expecting they would have been delivered to me without comment, I was also not only prepared but desirous to have expressed to your Lordship and to her Majesty's Government my deep regret at having from a sense of public duty been obliged to place myself in opposition to their wishes. I was further prepared to have begged your Lordship to pardon any expression which, in the conscientious resistance of your Lordship's policy, I might inadvertently have made use of, and to be assured that it had never been my intention or desire to appear wanting to your Lordship in respect for your private character or public station.

These feelings I continue to entertain; but your Lordship's late communication having coupled the acceptation of my resignation with certain remarks, I feel it due to the station I yet hold to record the requisite explanation, particularly because it is evident to me, from the ingenuity of the extracts quoted in your despatch, that they have been selected, dovetailed, and then brought before your Lordship's consideration by some person of considerable ability and experience in what is commonly called "special pleading."

1. In your Lordship's despatch it is stated, "with "the solitary exception of the proposed surrender of "the territorial revenue, I had not, from the com- "mencement of your administration until my receipt

" of your despatch of the 10th September, 1837, the " slightest reason to know or to surmise that, among " the measures prescribed for your adoption in my " *original instructions*, there was any one to which " you did not completely and cordially subscribe;" and your Lordship added, " therefore the contrast " which you declare to have existed between your " *policy* and mine has really prevailed in reference to " the specific measures indicated by my original *in-* " *structions*. I can only state that my ignorance of " the fact has been as unavoidable as it has been " complete."

In order to support this view of the case, which of course tends to show that I acted irrationally in tendering my resignation, a few extracts are selected from two or three of my despatches, in which it is perfectly true that I distinctly avowed my approbation of the original *instructions* which, on my appointment, I had had the honour to receive from your Lordship. Nevertheless, notwithstanding this avowal, the whole series of my despatches continuously prove that I much more explicitly avowed my disapproval of your Lordship's *policy*; and, though I do not presume to blame your Lordship, yet I feel I have reason to complain that extracts, showing my approbation of my *instructions*, are quoted against me in your Lordship's despatch, for the apparent purpose of convicting me of having expressed my approval of your policy, whereas the disagreement which existed be-

tween your Lordship and myself (not respecting my instructions, but the impolicy of conciliation) has never subsided for a moment since the first day of my arrival in this province.

I could quote from my despatches, if it were necessary, a series of extracts which would indisputably show that, from the date of the elevation to the Bench in Lower Canada of the author of the 92 resolutions, down to the period of your Lordship's proposed restoration in this province of Judge Ridout, and of the proposed elevation of Mr. Bidwell, I opposed, in the strongest possible terms, the fatal system of conciliation; and, far from my not having differed from your Lordship, I am sure it must have been notorious throughout the British North American Colonies, and even in England, that I was in this province openly pursuing a course of policy diametrically opposite to that which was theoretically advocated by the Colonial Office, and practically carried into effect in Lower Canada.

It is true that, on being supported by the people of Upper Canada, and on gaining by a dissolution of the Provincial Parliament an overwhelming constitutional majority in the House of Assembly, I felt it proper, on the common principle of official courtesy, to ascribe the whole credit of the victory to the instructions (not the policy) which had emanated from her Majesty's Government; but I certainly did not expect that this compliment would have been quoted

against me with a view to show that your Lordship had received no notice or warning that I was hostile to the policy of her Majesty's Government, until you were suddenly embarrassed by the receipt of my unexpected resignation, dated 10th September, 1837.

2. Your Lordship's despatch next proceeds at great length to show "that there is no one of my reputed acts or proceedings in which the general interests of the province were involved which has not received your sanction."

Your Lordship's despatch supports this assertion by quotations from your own despatches, which, as far as the *words* go, clearly substantiate the fact, but your Lordship's despatch has omitted the *dates*, which, had they been quoted with the *words*, would have proved the accuracy of my complaint, which was, not that support had been altogether denied me, but that it had been withheld from me during the various struggles in which I had been involved ; and, as Lord Chesterfield granted it to Johnson, only bestowed when success had considerably impaired its importance.

I have before me a quantity of minute evidence on this subject, but, casting it aside, I appeal at once to the English Government newspapers and to the Journals of the House of Commons—both of which I am sure will prove to any unprejudiced person that, ever since my arrival in this province, a most remarkable silence has shrouded every victory which

I have gained over the Republicans ; and, as one in-instance of this discouraging system, I may observe that Mr. Hume was allowed, on the floor of the House of Commons, to act in the fictitious character of accredited agent or representative of the people of Upper Canada, long after Her Majesty's Government were in official possession of my despatch concerning a report from the House of Assembly, which in the strongest possible terms repudiated Mr. Hume as well as the treasonable language which he had addressed to Mr. M'Kenzie, for whose apprehension, as an absconded traitor, the sum of one thousand pounds is at this moment offered by the Executive Government of this province.

As the above observations will, I conceive, sufficiently prove what, in British North America, is perfectly notorious—namely, that in the arduous struggles in which I have been engaged here, I have *not* received from her Majesty's Government opportune support, I feel it unnecessary to notice the particular cases of Captain Macaulay, the Executive Council, the loyal addresses, the speech from the Throne, and Mr. Sullivan's appointment, which are adverted to at great length in your Lordship's despatch, and which, I can assure your Lordship, would appear to you under a very different aspect were I, by a proper adjustment of dates and facts, to lay the subjects fairly before you. I will, therefore, at once proceed to the non-confirmation of her

Majesty's Attorney and Solicitor-General, which, in my despatch of the 10th of September, I so seriously complained of.

Your Lordship's observations on this subject, in your late despatch, require but little reply, as it appears that all I complained of is, in fact, admitted by your Lordship, that is to say, you admit that both these important appointments were suspended merely because "A member of the General Assembly of Scotland had transmitted for your Lordship's information certain printed resolutions of the Presbytery of that Church in Upper Canada, which resolutions represented that in the session of 1836 Mr. Hagerman had, in his place in the House of Assembly of Upper Canada, held language and pursued a line of conduct highly injurious to the character and interests of the Scotch Church, and in direct opposition to the avowed policy and recorded opinions of the Ministers of the Crown."

It has now turned out that your Lordship's solitary self-interested informant (a Scotchman, whose accusations were founded on some extract he had read from a most profligate newspaper) was in error but, even had he been right, I respectfully repeat and maintain, that so long as a colony has a provincial legislature which can read, write, and speak for itself, no private individual who gets worsted in a religious squabble should be allowed to arrest, in opposition to the recommendation of the Lieutenant-

Governor, the promotion of both her Majesty's Attorney and Solicitor-General, until they can publicly vindicate themselves from the poisonous accusations which the secret informer has been allowed to pour into the ear of the Colonial Minister.

The Attorney-General (Mr. Hagerman) is known at your Lordship's office to be a stanch uncompromising supporter of British principles, and I have no hesitation in repeating that the marked indignity which he and the Solicitor-General have received has had a bad moral effect.

3. With respect to the reception which was given at your Lordship's office to the Solicitor-General, the Honourable W. H. Draper, who, as a member of my Executive Council, was especially despatched by me to your Lordship, to explain the views which the Executive Government here took in opposition to the departmental conduct of Mr. —— (who was consequently exactly the last individual in the province whom it would have been proper to have selected for such a mission), I have only to inform your Lordship that Mr. Draper, whose mild inoffensive character and sound constitutional principles are highly admired here, on his return to Toronto from England, confessed to me, rather than complained, that in the course of his lifetime he had never had so much difficulty in suppressing his feelings as on his first interview with your Lordship's Under-Secretary, Mr. Stephen, whose whole manner

towards him was not only repulsive but highly offensive.

Had Messrs. —— and Draper been mere private individuals, the eulogium which your Lordship's despatch passes on the former, and the neglect which was shown to the latter, would interest no one; but, while Mr. Draper appeared at the Colonial Office as a member of my Executive Council, and as an individual devotedly attached to constitutional principles, Mr. —— appeared there recorded as one of the five members of my late Executive Council, who, shortly after my arrival, had made an attack upon the constitution, which, being immediately backed by the then House of Assembly, obliged me to dissolve the Parliament and appeal to the people (who supported me), which had the effect of discarding Mr. Speaker Bidwell and the other republican members from the House of Assembly.

It was also recorded in your Lordship's office that Mr. —— had been named with Mr. Bidwell, Mr. Papineau, and others of the same politics, as commissioners for an object which, though artfully veiled, was very generally and naturally here believed to be revolutionary. Under these circumstances, surely it must be very evident to your Lordship that it would have appeared a measure of conciliation highly offensive to my Council had I, as Lieutenant-Governor of this province, selected Mr. —— as the individual in Upper Canada most

worthy of my confidence; and it certainly remains for whoever may have advised your Lordship on this subject to explain why, when all these facts were recorded in the Colonial Office, your Lordship's despatch should persist in giving so decided a preference to Mr. ——, at the expense of Mr. Draper, a loyal member of my Executive Council, whom I had especially despatched to your Lordship to explain the precise views of the Executive Government, of which he officially was cognizant.

With respect to the despatches on the subject of Mr. Draper's mission, which were given to Major Bonnycastle instead of to Mr. Draper (although it was known at the Colonial Office that both these gentlemen were to sail for New York in the same packet), your Lordship states,—

> I fully intended to make Mr. Draper the bearer of the despatches in question. With that view he was requested to attend at this office. He intended to do so, but, from causes unexplained and unknown to me, Mr. Draper left England without presenting himself at this office, and the employment of another messenger was therefore a matter of inevitable necessity.

If the united testimony of Mr. Draper and of Major Bonnycastle be correct, your Lordship's obliging intentions towards Mr. Draper have been frustrated in a manner which I think it but proper your Lordship should be made acquainted with.

Mr. Draper admits that, by appointment, he was to

have called at the Colonial Office on the day before the packet sailed ; that he did call accordingly, but not at the appointed hour. Major Bonnycastle, however, states that your Under-Secretary, Mr. Stephen, told him, two or three days previous to the sailing of the packet, that he (Major Bonnycastle) would be the bearer of the despatches ; that he accordingly asked Mr. Murdock (a clerk in your Lordship's office, who, he was informed, had charge of the Upper Canada correspondence) for them; that Mr. Murdock told him that the despatches would not be given to him ; that he (Major Bonnycastle) went and told Mr. Stephen what Mr. Murdock had said, upon which Mr. Stephen sent for Mr. Murdock, and, in his (Major Bonnycastle's) presence, told Mr. Murdock, very angrily, that he, Mr. Murdock, ought to obey the instructions he had received, and that *he was to give the despatches to Major Bonnycastle.*

4. I will now proceed to the two principal topics in your Lordship's despatch, namely, my refusal to raise Mr. Bidwell to the Bench, or to restore Judge Ridout to the offices from which I had removed him and my consequent resignation.

My Lord, I had not been a fortnight in this country when your Lordship wrote to me, suggesting for my consideration "that it would be a very judicious act on the part of the Government to place in stations of trust and honour those gentlemen of Upper Canada (Mr. Rolph and Mr. Speaker Bidwell) who

had been represented to you as among the most able, popular, and estimable men in the colony."

The recommendation submitted by your Lordship for my consideration was, "that Mr. Rolph should be a member of the Executive Council, and Mr. Bidwell be placed on the judicial bench."

5. With respect to Dr. Rolph, the first individual mentioned to me by your Lordship as a person whom it might "*be a very judicious act on the part of the Government to place in a station of trust and honour,*" I feel it only necessary to state that, next to Mr. M'Kenzie, Dr. Rolph has been proved to have been the most insidious, the most crafty, the most bloodthirsty, the most treacherous, the most cowardly, and, taking his character altogether, the most infamous of the traitors who lately assailed us. After having been the person who fixed the day on which Toronto was to be attacked, he hypocritically undertook to be the bearer of my appeal to the rebels, to avoid the effusion of human blood; and it has actually been proved before the Commission which is now investigating this treasonable affair, that, after Dr. Rolph and Mr. Robert Baldwin had delivered this message from me, the former, Dr. Rolph, went aside with two of the principal traitors, and diabolically recommended them to come and attack the town.

I will only add that Dr. Rolph's consciousness of the part he had acted prompted him to fly to the United States (before any idea was entertained of

arresting him) the moment it became evident that the treacherous attack he had planned would not succeed. As a fugitive traitor, his seat in the House of Assembly has just been declared void, with only two dissentient voices, which merely disagreed on a question of form.

With respect to the other individual (Mr. Bidwell) mentioned to me by your Lordship as a person whom it might "*be a very judicious act on the part of the Government to place in a station of trust and honour*," it is certainly remarkable that, within less than a month from the date of the above recommendation, both he (Mr. Bidwell) and Dr. Rolph, the former as Speaker, the latter as Executive Councillor, joined in perhaps the most ferocious attack that ever was made by any Council or House of Assembly upon the Lieutenant-Governor of the colony. The grossly insulting language which was used against me, every word of which has long ago been transmitted to your Lordship, is, I maintain, without precedent; and, although your Lordship did not support me during this conflict with these persons, yet, when it was decided in my favour, you did not hesitate to approve of the resistance I had made against their violent aggression upon the constitution of the province. Nevertheless, notwithstanding Mr. Bidwell, in consequence of his Republican doctrines, and of his avowed connexion with Mr. Papineau, was publicly driven, not only from the Speakership, but from

the House of Assembly itself; and notwithstanding that in my Despatch No. 41, dated 5th April, 1837, I voluntarily explained to your Lordship why I could not conscientiously place him on the Bench, yet, with all this mass of evidence on your mind, your Lordship deemed it advisable deliberately to inform me that it was the wish of her Majesty's Government that the situation of Judge of the Court of King's Bench should, in case of an expected vacancy, be offered to Mr. Bidwell!

In vindication of this appointment your Lordship's late despatch states as follows.—"I confess that it "did not appear to me fit that, under such circum- "stances, he (Mr. Bidwell) should be punished by a "permanent and irreparable incapacity for a promotion "to which, on the grounds of private character, no "objection could be raised, and to which, on the "grounds of professional eminence, he had the highest "possible title. It appeared to me dangerous, or "rather impracticable, to govern the province on the "principle of a proscription *of the whole of one large* "*body* of the inhabitants."

What were the dangers which your Lordship apprehended, — what were the principles upon which your Lordship proposed to govern the North American colonies,—and why your Lordship designated the small band of traitors, whose conspiracy has lately been exploded without the assistance of a single soldier, "*the whole of one large body of the*

inhabitants,"—I will not presume to inquire, but will simply state the following fact.

Your Lordship's communication to me of the desire of her Majesty's Government to elevate Mr. Bidwell to the Bench reached me on the 1st of September last, just two days after Mr. Bidwell had addressed a letter to Mr. O'Callaghan (a traitor, for whose apprehension a reward of 500*l.* has been offered by Lord Gosford), which was published in his own newspaper, and of which the following is an extract:—

> Retired from public life, probably for ever, I still look with the deepest interest and sympathy on the efforts of those who are actively contending for the great principles of liberty and good government. Your great and powerful exertion in the cause of liberty and justice I have noticed with admiration and respect, and I look with deep interest on the struggle in Lower Canada, *between an insulted, oppressed, and injured people and their* OPPRESSORS.—All hope of justice from the authorities in England seems to be extinguished.

My Lord, if I have been wanting in respect to her Majesty's Ministers, I offer to them the foregoing extract as my apology; for even at this moment of my approaching departure for ever from this province, the very idea of my having been desired to elevate the writer of such sentiments to the British Bench creates within me feelings which it is difficult to suppress. Under the excitement of these feelings, I

positively refused to obey your Lordship's instructions, and I respectfully tendered to her Majesty my resignation of the station I hold. Events have since proved that the judgment I had formed of the dangerous effects of conciliation was not incorrect. Treason, which had long slumbered in this province, having been fanned by conciliation, suddenly burst into a flame. The details of the late rebellion, as contained in my despatch dated December 19th, No. 132, have already explained to your Lordship that on the 7th of December last the brave militia of Upper Canada drove the rebels from their position at Gallows Hill; that their place of rendezvous, Montgomery's Tavern, immediately fell into their possession; and that, on a small party reaching it, they found, brought out, and unfurled in triumph before their comrades, the traitor's flag, upon which was inscribed in large letters,—

"BIDWELL and the glorious minority,
1837, and a good beginning."

My Lord, if that flag had, as was expected by its followers, triumphantly entered Toronto, I have no hesitation in saying it would have waved over the corpse of every loyal subject in the city; indeed, we have received evidence that a general massacre of the Queen's loyal subjects would have been attempted. The flag in question was captured on the 7th December last, just six days after the departure from Downing Street of your Lordship's despatch, which,

in reply to my declaration, that, so long as I continued to be Lieutenant-Governor of Upper Canada, I would never raise Mr. Bidwell to the Bench, informed me "*that her Majesty's ministers have, after the fullest deliberation, thought it their duty to tender to the Queen their advice that my resignation should be accepted.*"

I beg leave to place these facts on record, without a comment.

7. It gives me pain to reply to that part of your Lordship's despatch which relates to my refusal to restore Judge Ridout to the offices from which I had removed him. The despatch says nothing in favour of the Judge's *proposal to tar and feather me;* nothing in favour of the whole course of his political misconduct; nor does it in any way oppose my opinion, or the opinion of the Executive Council, that Judge Ridout was not a proper person to be allowed to continue in office under the British Government; but the despatch clings with inexplicable tenacity to a fact which I have always fully admitted, namely, that I disclosed to Judge Ridout only a part, instead of the whole, of the reasons, for which I had felt it necessary to inform him that his late Majesty had no further occasion for his services; and because I had adopted this course, your Lordship declares, "*it was impossible for me to advert to any other grounds of accusation than that which had been made known to Mr. Ridout as the cause of his dismissal.*" Even in

peaceful times, I am not aware that it is usual always to satisfy every public servant of *all* the reasons for which his services are no longer required; but in the moment of mutiny, or on the eve of a traitorous insurrection, such as I have just quelled, any man who understands how to wield power, knows, that a well-timed and unexpected display of just authority invariably effects most striking results. This result was strongly exemplified in my dismissal of Mr. Ridout, which so effectually checked the insults the republicans were preparing to offer me, that it rendered it almost unnecessary for me again to defend myself; whereas, in Lower Canada, the conciliatory or enduring system of her Majesty's Government was exercised until the Royal Gazette suddenly teemed with dismissals, which, however, were too late to produce anything but the most insulting and disreputable replies.

My Lord, I submit to the candid consideration of your Lordship, that my administration of the government of Upper Canada had not authorised her Majesty's Government to consider me as an arbitrary or vindictive man; there was, therefore, no reason to presuppose that I had acted without reflection in any dismissal I had effected; but Mr. Ridout's case, as it has been detailed to your Lordship, proves that his dismissal was decided on by my judgment and not by my passions, for there was not the slightest occasion that I should have consulted either the Attorney-General or the Executive Council on the subject; and the

very fact of my having done so proves that I was desirous to be guided by reason and justice. As I have already stated to your Lordship, Mr. Ridout's republican friends, fancying that his dismissal might, in a city where almost universal suffrage prevails, secure his election as an alderman, tried the experiment, and failed; he has never ventured to petition even the House of Assembly on the subject; and I feel I may say that every man of respectability in the province, who is cognizant of the facts, is conscious that Mr. Ridout's dismissal was not only just, but a necessary measure; and I have only to add that, in the late insurrection, which has tested all men's principles, Mr. Ridout is almost the only individual of a respectable family who has not either taken up or declared himself ready to take up arms, to put down insurrection, or to repel the perfidious invasion of this province by American citizens.*

My Lord, I have now finished the painful duty of replying to your Lordship's last communication; and, as I daily expect to hear of the arrival in the province of my successor, I can have little desire to protract a discussion which nothing but a strong

* After I had retired from the Government of Upper Canada, Sir George Arthur, who succeeded me, investigated Mr. Ridout's case by order of the Colonial Office: every chance was given to him in my absence of shewing cause for his restoration to office.—I understand that he *totally failed*, and that Sir George Arthur most decidedly recommended that Judge Ridout should *not* be restored to the offices from which I had removed him.

sense of duty would have forced me to undertake. Your Lordship cannot, I think, help observing with astonishment, that, in the particular cases mentioned in this despatch, the friends of British institutions have certainly been depressed, and their opponents elevated, by the Colonial Office; your Lordship, however, would, I believe, not only be astonished, but alarmed, were I indisputably to prove to you, as I readily could do, that this unnatúrul and destructive system has long characterised the practical policy of the Colonial Office, although it has been governed by noblemen, like your Lordship, of high character and worth.

I should not do justice to the brave and loyal people of Upper Canada, who have protected my character, my policy, and my life, were I, in taking leave of them as well as of your Lordship, to shrink from recording as my deliberate opinion that the hidden cause of our colonial misrule—the secret reason why Papineau, M'Kenzie, Rolph, Bidwell, Bedart, Debortz, Ridout, and others of similar politics, have been openly supported by the Colonial Office in proportion as the loyal population has been depressed—has already been disclosed to your Lordship in my despatch No. 132, dated 19th December, 1837, of which the following is an extract:—

"My Lord,—It has long been notorious to every British subject in the Canadas that your Lordship's Under-Secretary, the author of our colonial despatches, is a rank re-

publican. His sentiments, his conduct, and his political character are here alike detested, and I enclose to your Lordship Mr. M'Kenzie's last newspaper, which, traitorous as it is, contains nothing more conducive to treason than the extracts which, as its text, it exultingly quotes from the published opinions of her Majesty's Under-Secretary of State for the Colonies!"

The following are the extracts above alluded to as republished by Mr. M'Kenzie:—

"Evidence given by James Stephen, junior, Assistant Secretary of State for the Colonies, before the House of Commons Committee on the Government of Canada, 1828. It is impossible (says Mr. Stephen) to suppose the Canadians dread your power; it is not easy to believe that the abstract duty of loyalty, as distinguished from the sentiment of loyalty, can be very strongly felt. The right of rejecting European dominion has been so often asserted in North and South America, that revolt can scarcely be esteemed in those continents as criminal or disgraceful. Neither does it seem to me that a sense of national pride or importance is in your favour. It cannot be regarded as an enviable distinction to remain the only dependent portion of the New World."

As Lieutenant-Governor of this province I have already stated my opinion of these execrable sentiments. That they are totally incompatible with the station of an Under-Secretary of State for the Colonies is, I conceive, a fact which is undeniable; and that these sentiments are not only disloyal, but erroneous, will, I think, appear from the following short observations:—

1. Mr. Stephen says "*it is impossible to suppose the Canadians dread your power.*" That they *do* dread our power has just been proved by the late total defeat of Mr. Papineau and the whole of his force, who laid down their arms to our soldiers; all the principal leaders have absconded for no other reason but "*dread of our power.*" 2. Mr. Stephen asserts, that on this continent "*revolt can scarcely be esteemed as criminal or disgraceful.*" That th e in habitants of Upper Canada, like all honourable men, consider revolt against the parental Government under which they live as an act both criminal and disgraceful, has been proved by the noble and successful exertions they have just made to put down treason and to bring to justice concealed traitors. 3. Mr. Stephen declares as his opinion, "*that it cannot be regarded as an enviable distinction to remain the only dependent portion of the New World.*"

Not only has Upper Canada put down insurrection, but its brave and high-minded inhabitants have just rushed, armed as well as unarmed, to their eastern as well as to their western frontier, to repel the invasion of their allies, American citizens, who, from New York to Michigen, have been collecting money, men, and arms, for the object of forcibly branding Upper Canada with the independence or mobocracy under which they themselves are publicly suffering.

The American force which has been brought against us, although powerful enough against all their au-

thorities to rob their own state-arsenals of arms and cannon, proved unable to attain its perfidious object; and I have no hesitation in saying that Upper Canada feels at this moment proud of the "enviable distinction" of being dependent on the British empire, whose brilliant history it venerates, and whose Sovereign it affectionately adores, with a loyalty which has just called forth the unsolicited thanks and admiration of the three branches of the Legislature of the gallant province of New Brunswick, another North American province which, contrary to Mr. Stephen's theory, voluntarily remains "*one of the dependent portions of the New World.*"

As I entertain no sentiments of animosity against Mr. Stephen, it has been with very great reluctance that I have mentioned his name; but, being deeply sensible that this province has been signally protected by an omnipotent Providence during the late unnatural rebellion, I feel it my duty, in retiring from this continent, to divulge, through your Lordship, to my Sovereign, my opinion of the latent cause of our unfortunate misgovernment of the Canadas.

I have the honour to be,
My Lord,
Your Lordship's most obedient
humble servant,
(Signed) F. B. Head.

With respect to the foregoing serious allegations I must be permitted at once to express my deep and unfeigned regret at the necessity which, in a moment of rebellion, obliged me, in the stern performance of a most arduous duty, to assail the political principles (*quoted against me by Mr. M'Kenzie just before the attack of Toronto*) of a gentleman whose moral character is above all reproach.

It is necessary, however, in my own defence, I should now inform the reader that not only did my predecessor, his Excellency Sir John Colborne, distinctly allude to this secret irresponsible influence, but that, in two most able reports lately addressed to her Majesty by the Legislative Council and House of Assembly of Upper Canada, reflections are diretcly made against Mr. Stephen's influence and principles; the Legislative Council deseribing him as "a gentleman in the Colonial Department,"—the House of Assembly openly *mentioning his name.*

Besides this, in the leading article of the Montreal Gazette (one of the most respectably-conducted papers in Lower Canada) there appeared, on the 22nd of November last, eight months after I had left Upper Canada, the following observations:—

We do not desire, as we have never wished, to screen Lord ———, as the head of that branch of the Government, from censure or blame for the entire absence, or at least neglect, of those qualities which go to the formation of an

efficient minister of the Crown in his especial sphere of duty; but we may express our regret that a person, so estimable in private life, should have been seduced from the quiet tenor of his way, to accept office in a department, in which the most laborious assiduity and the most resolute firmness of decision were essentially necessary—qualities in which his Lordship could not but have felt his incompetency. Like his colleagues he has appeared to consider that, where politics and parties in England were not affected by the matter in question, every possible evasion of decision, superficial examination, conciliation of the violent, or the exposure of the peaceable, and sacrifice of the weak to the party interests of the influential, might be practised with impunity, and that accident, caprice, or inattention to official duties, would not be noticed in Parliament, and public scandal would be thereby avoided. Notwithstanding this opinion which we entertain, every man of common observation must be aware of the utter impossibility of any individual, however gifted or laborious, to perform all the duties of such an office; he must be more or less dependent upon his subordinates, especially for statements of facts and circumstantial information, upon which his conclusions and judgment must entirely be founded; and the consequence is, that the individual intrusted with the weighty responsibility of the vast Colonial charge is directed by one official, who, unnamed and unseen, has the practical control of the Colonial Office, and is never in any way referred to at home. It is time that this system should be abolished—it is time that the baneful domination of Mr. Under-Secretary Stephen should be got rid of, and that an entirely new system of things should be adopted.

It is well known that Mr. Stephen has for many years past been the confidential adviser and director of the Colo-

nial department; nor can it be doubted that to his evil influence must be ascribed all the misgovernment which these provinces have suffered for so long a period. The inconveniences of a rapid succession of Ministers, entertaining opposite opinions upon colonial administration, may have been felt by other colonies; but in regard to these, for the last fifteen years at least, such inconveniences appear to have been not so sensibly felt. Whoever was the Minister, the same principles were followed—whatever was the exigency, the same system was continued—and whatever was the nature of the despatch, the same rule, the same sentiment, and the same doctrines have been employed; all these afford internal evidence of the offender, and point him out to public animadversion. Indeed, since that gentleman has made himself so officially necessary, he has prejudiced colonial interests more than he can, by any means, hope to repair, and has sat as an incubus, not only on Lord Glenelg's breast, and stifled his measures, but has equally stifled the good intentions as well as the active ability of his Lordship's predecessors. The House of Assembly of Upper Canada, at its last session, pointedly noticed the influence of the person mentioned above, and we trust that it will be followed up by the Legislatures of the other colonies: their internal peace, their advance in prosperity, and their continued connexion with the parent country, loudly call for the expression of opinion upon a matter of so much importance to their best interests, and we trust that it will be openly and boldly avowed.

To this opinion, which is infinitely more ably expressed than my own, I subscribe, and, should I be called upon either by her Majesty's Government, or by either House of the Imperial Parliament, to

substantiate the allegations I have avowed, I shall at once give the following list of the witnesses to whom I refer :—

Sir Peregrine Maitland—Sir John Colborne—Sir Archibald Campbell—the Crown Officers of Upper Canada—Chief Justice Robinson—the Legislatures of our North American colonies—the British merchants in England connected with our North American provinces—the West India and other merchants connected with our colonies.

CHAPTER XI.

Captain Drew, R.N.—Description of the capture of the Caroline—The province again attacked—Farewell Speech to the Legislature—Despatch to Mr. Fox—Fresh invasion—Support of the Legislatures of Nova Scotia and New Brunswick—Address to me from the Speaker of the House of Assembly—Gallant conduct of Captain Brown, of her Majesty's Thirty-second Regiment—Confession of the American General Sutherland—Concluding Despatch to her Majesty's Secretary of State for the Colonies.

The despatches in the following chapter will speak for themselves.

No. 15.

Toronto, 9th February, 1838.

My Lord,

In my despatch of the 10th of January, which contained a copy of my communication to Mr. Fox at Washington, respecting the capture of the piratical steam-boat the Caroline, I had the honour to mention to your Lordship, that, in justice to Captain Drew of her Majesty's Royal Navy, and the other officers and men engaged in the service alluded to, I should feel it my duty to bring their conduct before the especial attention of her Majesty's Government.

It is proper, however, I should previously inform your Lordship, that as soon as I found that this

portion of the British empire was perfidiously attacked and invaded by American citizens, under American leaders termed "Generals"—that artillery and muskets were brought against us from the State arsenals—that Navy Island belonging to her Majesty was actually seized by Americans—that batteries were formed there, from which shot were fired for many days upon the inoffensive inhabitants of this province—and that the island was regularly supplied, by boats from the American shore, with provisions and munitions of war,—I approved of the recommendation of Colonel M'Nab, commanding the expedition on the Niagara frontier, that a naval force or flotilla, under officers of experience, should be constituted; and, feeling that it would be unjust, that, in the name of her Majesty, I should require naval officers to leave the back woods, into which they had retired, without recognising them in the professional capacity in which I had especially called them into action, I directed my military secretary, Colonel Strachan, to forward to Colonel M'Nab a written communication, a copy of which is herewith enclosed, directing him to call upon such naval officers in the province as he might deem proper to select, to afford me their services, on the understanding that they would receive their full pay during the period they were thus publicly employed by me on her Majesty's service.

In consequence of the above communication (which I at once think it right to acknowledge contains no

authority beyond what the Lords of the Admiralty may, from the emergency of the case, deem proper to conform to it) Colonel M'Nab called upon Captain Drew, R.N., to collect and command a flotilla of gun-boats and other craft, to be immediately fitted out for the purpose of attacking Navy Island.

While the gun-boats were being prepared, the American force, under the American commander styling himself General Van Ransaller, continued, day after day, to fire from Navy Island upon the unoffending inhabitants of the Niagara frontier, although not a gun had been fired on the part of the British, although the American forces on our island were daily increasing, and although a steam-boat, chartered by these pirates, was actually employed in transporting to the island munitions of war for the purpose of aggravating the insult which, in a moment of profound peace, had perfidiously been made by American citizens upon her Britannic Majesty's dominions.

Under these circumstances, Colonel M'Nab determined, as an act of self-defence, to call upon Captain Drew to capture, burn, or destroy this steam-boat.

Accordingly, about eleven o'clock the same night, Captain Drew, with five boats, containing nine men each, pushed off from the British shore. The boats were commanded by Captain Drew, R.N., Lieutenant M'Cormack, R.N., Lieutenant John Elmsley, R.N., Lieutenant Christopher Beer, R.N., and —— Gordon, a commander of a steam-boat.

The crew were composed of volunteers, who embarked in total ignorance of the service in which they were about to be engaged, Captain Drew's requisition having merely stated "that he wanted a few fellows with cutlasses who would follow him to the devil."

As soon as they were clear from the shore, Captain Drew ordered his followers to rest for a few moments on their oars, and, while the current was hurrying them towards the Falls of Niagara, which were immediately below them, he briefly explained to the crew the duty he required them to perform, and the post respectively to be assigned to each. Silence was then preserved until Captain Drew's boat came within fifteen yards of the steamer (which was obscurely seen moored to the American wharf at Fort Schlosser), when the sentinel on board in a hurried manner called out "Boat ahoy! boat ahoy! Who comes there?"

A man in the bow of the leading boat replied "Friend!" on which the sentinel called for the countersign. "*I'll give it to you when we get on board,*" replied Captain Drew, who, by this time being close to the vessel, boarded her on the starboard gangway, and, from an over-anxiety in his crew to follow him, it so happened that for more than a minute he was the only assailant on the pirate's deck. Captain Drew then encountered five men, one of whom fired his musket close to his face, but, missing, he (Captain Drew) immediately cut him down.

Captain Drew then disabled another of the pirates,

and, with the flat of his sword, driving the other three before him, occasionally hastening them with the point, he made them step from the vessel to the wharf.

By this time Lieutenant M'Cormack had boarded on the starboard bow, and, it being so dark that he could not recognise the men he found there, he asked them "if they were friends or enemies?" One of them replied, "An enemy!" and, immediately firing, shot him through the left arm. Lieutenant M'Cormack instantly cut this man down; several of the pirates then fired upon Lieutenant M'Cormack, and wounded him in five places; yet, in spite of this, he effectually disabled another of them, and then sinking from loss of blood, the vessel was carried, when Captain Drew immediately ordered a party of his men to cut her off.

It was, however, found that she was moored to the wharf by chains from the bow and quarter, which it required nearly fifteen minutes to unloose.

During this delay the American guard stationed at the inn above Fort Schlosser turned out, and commenced firing upon the assailants; in consequence of this Lieutenant Elmsley, R.N., heading a volunteer party of sixteen men, armed with nothing but their cutlasses, advanced about thirty yards towards them, and, forming in line, they gallantly stood there to protect the vessel against the American riflemen until the chain cables were cast off.

The crews, now returning to their respective boats

towed the vessel from the wharf, but, the current irrevocably drifting her towards the Falls of Niagara, Captain Drew, assisted by one man, set her on fire, and, as soon as she was fairly towed into the stream, the assailants, finding she was more than they could hold, let her go, and, giving her three British cheers, they rapidly pulled away for their own shore, while the pirate steamer slowly glided towards her doom!

A small light glowing within her suddenly burst from her hold, and in a few minutes the guilty vessel, enveloped in flames, was seen hurrying towards the rapids, down which she hastily descended until, reaching the crest of the Great Horse-shoe Falls, over she went.

Your Lordship will imagine, better than it is possible to describe, the solemn magnificence of this spectacle; yet it does not exceed the moral picture exhibited at the capture of the vessel.

The justness of the cause, the noble project of the attack, the coolness with which it was executed, and, lastly, the mercy that was shown by our brave fellows the moment the vessel was their own, are naval characteristics which reflect honour on the British empire in general, and on this noble province in particular.

I therefore feel it my duty to request your Lordship to lay my humble testimony of the merits of Captain Drew (whose intrepidity and generosity are beyond all praise) before the Lords Commissioners of

the Admiralty, to whose liberal consideration I beg leave most earnestly, but respectfully, to recommend him.

I also feel it my duty to bring before their Lordships' especial consideration the case of Lieutenant M'Cormack, who is still lying on his back completely disabled, and I much fear that one of his five wounds will require the amputation of his left arm.*

This loss, to a backwoodsman, upon whose manual labour his family is dependent for support, is irreparable; and I feel confident that her Majesty's Government will consider that, as it is highly advantageous that the Queen should be enabled to call upon the retired naval officers in this province whenever their professional services on the lakes may suddenly be required, so it is not only just, but politic, that, if disabled, they should not be allowed to suffer from privations which might tend to deter others from following their noble and patriotic example.

Although naval or military officers when called upon by their Government are in no way responsible for the political consequences of the daring measures they are ordered to effect, yet I cannot help assuring your Lordship that the capture of the Caroline has been productive of the most beneficial consequences.

* I visited this officer shortly after he was brought on shore, with five gun-shot wounds through him. He was of course in a high fever, but, even in that state, he expressed the satisfaction he felt at having had an opportunity of serving his country.

Before it took place American "sympathy" for our absconded traitors was unbridled and unchecked.

The state arsenals were openly plundered, subscriptions were openly collected, provisions, as well as munitions of war, were openly supplied; and while her Majesty's Government in Upper Canada was subjected to enormous expenses, and while the unoffending inhabitants of this province were kept in a state of painful anxiety, the inhabitants of the American frontier were actually amusing themselves at our sufferings, and were even making parties of pleasure for the purpose of inspecting the preparations on Navy Island.

No sooner, however, was the Caroline in flames than a sudden excitement prevailed; but it was the excitement of *fear*. The women fled from the villages on the coast—people who had fancied themselves *bed-ridden* decamped—and the citizens of Buffalo evinced the greatest possible consternation for the safety of their town.

Immense expenses were immediately incurred by the Americans for the purpose of self-defence, and, considering how much Upper Canada had been obliged to expend on this principle, I trust your Lordship will admit that it was salutary, politic, and, above all, *just*, to make our American allies participate in the lamentable consequences of their own perfidy towards us.

Of course there were not wanting those who argued

that the excitement produced by this bold act of justice would irritate our assailants; however, it may be observed that it is impossible to make war palatable to one's enemy, and that, indeed, it is not advisable it should be so.

The result has now spoken for itself. The pirates have fled from Navy Island, their plan of invading the Niagara frontier has been abandoned, and our allies, arrantly ashamed of themselves, are now merely our enemies from that odd principle in human nature, which invariably makes men hate and envy those whom they have injured.

Our militia forces on the frontier have nearly all been allowed to retire to their homes; but, as the flotilla of boats requires to be guarded, and as I think it highly advisable that some officer of experience should watch the naval movements of the Americans, I have directed Captain Drew, by two orders, (copies of which are herewith enclosed,) to continue his pendant flying until I shall have had time to communicate to your Lordship.

As the expense of this precaution and observation will be very trifling, I would strongly recommend that it should be continued for at least a year; for, as several vessels are now building on the lake, it would be prudent that we should have some one whose duty it is to ascertain whether any suspicious alteration is effected in their structure.

Trusting that your Lordship will offer to the Lords

of the Admiralty my apology, in case I should have given any orders they may see reason to disapprove of, and that you will be so good as to lay before them Colonel M'Nab's recommendation in favour of Lieutenant Elmsley, a member of my Executive Council, to whose intrepidity I can myself bear testimony,

I have, &c.

(Signed) F. B. Head.

The Right Honourable the Lord Glenelg.

In reading the foregoing despatch, as also the documents appended to it, the reader will, I think, join with me in regretting that, although this was the first naval victory in her Majesty's reign, my unceasing applications for the promotion of Captain Drew, and for a pension for Lieut. M'Cormack, neither of whom I had ever seen before they captured the Caroline, have been unavailing!

Toronto, 20th December, 1837.

Sir,—I am commanded by the Lieutenant-Governor to inform you that, should you require the assistance of naval officers of experience to recover possession for her Majesty of Navy Island, his Excellency desires that you will call upon such naval officers in the province as you may deem proper to select to afford him their services, and that you will explain to them that they will receive their full pay

during the period they are thus publicly employed by his Excellency in her Majesty's service.

I have, &c.

(Signed) J. M. STRACHAN, M. S.

Hon. Colonel M'Nab.

By me, Allan Napier M'Nab, Colonel Commanding her Majesty's Forces on the Niagara Frontier.

By virtue of the power and authority vested in me, as the Colonel Commanding Her Majesty' forces on this frontier, by his Excellency Sir Francis Bond Head, Baronet, &c. &c., Lieutenant-Governor of the province of Upper Canada, in a despatch dated this twentieth day of December instant, commanding me to call forth the services of such officers of her Majesty's Royal Navy as may be necessary for the purpose of organizing an armed naval force to co-operate with the troops under my command in the reduction of Navy Island:

I hereby authorise you to take upon yourself the charge and command of the naval department, to act in concert with me. You will organize such a force of armed vessels and boats for a flotilla as will protect the landing, and transport one thousand men from the Canadian shore to Navy Island.

You will also make such other arrangements as in your judgment you may think necessary for the good of her Majesty's service, and for effecting the object of the expe dition. For which this shall be your sufficient warrant.

Given under my hand at this twentieth day of December, in the year of our Lord one thousand eight hundred and thirty-seven.

(Signed) ALLAN M'NAB,
Col. Com.

Commander Andrew Drew.

Niagara Frontier, Chippewa, Jan. 17, 1838.

Navy Island having been evacuated by the rebels, you will immediately proceed to lay up the vessels and boats composing the flotilla under your command in safety for the winter.

You are hereby authorised to continue on the spot yourself until further orders, with such a complement of naval officers and seamen as you may deem sufficient to take proper care of the flotilla.

(Signed) F. B. Head.

Captain Drew, Chippewa.

Toronto, Feb. 4, 1838.

Sir,

You are hereby commanded,—in addition to the duties already pointed out to you, of protecting the property of her Majesty lately employed in the Naval Department, and placing the schooners and flotilla in a place of security,—to use your utmost endeavours to procure such information of the movements of the rebels, or any other persons inimical to her Majesty's Government, as may conduce to the interest of her Majesty's service; taking care, however, to be extremely cautious and circumspect in the discharge of your duty; to avoid everything that could in the least degree compromise the dignity of her Majesty's Government, or give just cause of complaint to the Government of any other country at peace with Great Britain. You will report your movements to me, as also to the Lords Commissioners of the Admiralty, as often as occasion may require; and you will continue your pendant flying, until I shall have had time to communicate these instructions to her Majesty's Principal Secretary of State for the Colonies.

(Signed) F. B. Head.

Captain Drew, R.N.

Head Quarters, Chippewa, Jan. 20, 1838.

SIR,

I have the honour to enclose the report of Captain Drew, R.N., commanding the Naval Brigade on the Niagara River; and the services of that force being no longer required, I have given them leave (with the exception of Capt. Drew) to return to their homes. That valuable officer will retain a sufficient number of officers and men to dismantle the vessels and lay them up.

The conduct of Captain Drew, and the volunteers under his command, has been most efficient since they joined the service. Where all have so nobly done their duty, it may appear improper to mention the names of individuals who have signalized themselves while on this station; I cannot, however, refrain from mentioning the names of Lieutenants M'Cormack and Elmsley; the former was dangerously wounded in gallantly boarding the Caroline, and is still in the hospital; the latter has been actively employed, almost day and night, since he joined Captain Drew's quadron; and I am authorized by Captain Drew to say, that he has received the most valuable services from that officer; and I do Lieut. Elmsley but justice in saying, that the dangerous nature of the duty which was assigned to him brought him more under the fire of the enemy than any other under my command.

I have, &c.

(Signed) ALLAN N. M'NAB,
Colonel Commanding M. and N. B.

Lieut.-Colonel Strachan, Military Secretary.

No. 18.

Toronto, Upper Canada, Feb. 21*st*, 1838.

MY LORD,

I have the honour to inform your Lordship, that,

having consulted my Executive Council, and the Speakers of the Legislative Council and House of Assembly, I yesterday determined that on Tuesday, the 27th instant, I would prorogue the Provincial Parliament.

I feel confident that by doing so I shall relieve Sir George Arthur (whose departure from England we have not yet heard of) from the very difficult and embarrassing situation in which he would be placed, were he, on his arrival here as a stranger, to be suddenly called on to assent to or dissent from Bills, on the policy or impolicy of which he had no time to consider.

I feel confident it is only fair to Sir George Arthur that he should have a few months' leisure before he be called upon to meet the Legislature.

I may also inform your Lordship that, in consequence of the disturbed state of Lower Canada, and of the United States, many of the members have felt it advisable to return to their constituents, and that others are very desirous to do so.

I have, &c.

(Signed) F. B. Head.

The Right Hon. Lord Glenelg.

When, labouring in a distant country, one has been by public opinion unjustly reviled, there is something highly gratifying in that retributive justice with which, in England, the error is generously admitted, so soon as by the light of truth it is clearly perceived.

This observation particularly alludes to the sentiments contained in the following speech, which at the time it was promulgated were declared in England to be a libel on the Americans; and yet these sentiments have at last nobly resounded, infinitely louder than I proclaimed them, in both Houses of the Imperial Parliament.

Honourable Gentlemen of the Legislative Council, and Gentlemen of the House of Assembly.

Considering the circumstances under which you were hastily assembled, it is satisfactory to me to observe that you have been enabled, notwithstanding occasional anxiety from attempted invasions of our frontier, to give your deliberate attention to the public interests, and to mature some valuable measures.

Gentlemen of the House of Assembly.

I thank you for the supplies which you have granted for the support of the Civil Government during the present year.

Honourable Gentlemen, and Gentlemen.

I regret to say that there still exists, among a portion of the American people, so strong a desire to force upon the free inhabitants of this province republican institutions, that, with scarcely an exception, every Government arsenal, from Lake Champlain to Lake Michigan, has within the last two months been broken open and plundered, to furnish arms for the invasion of this portion of the British empire; and, however the circumstance may be explained, it is certainly a remarkable fact, that all these robberies have been effected without the sacrifice of a single life, and without even the

imprisonment of the person who is notoriously the instigator of these acts.

The wrong which citizens of the neighbouring States have committed, by thus attempting to dictate to the inhabitants of Upper Canada the form of government under which they are henceforward to exist, will, as the assertion of a new theory, be condemned by the civilized world as severely as in practice it has been repudiated by the people of this province.

What right, it will be calmly asked, have the inhabitants of one country, armed with the artillery and weapons of their Government, to interfere with the political institutions of another? What excuse, it will be gravely considered, had citizens of the United States for invading the territory of Upper Canada?

When our coloured population were informed that American citizens, sympathising with their sufferings, had taken violent possession of Navy Island, for the double object of liberating them from the domination of British rule, and of imparting to them the blessings of republican institutions, based upon the principle that all men are born equal, did our coloured brethren hail their approach? No! on the contrary, they hastened as volunteers in waggon-loads to the Niagara frontier to beg from me permission that, in the intended attack upon Navy Island, they might be permitted to form the forlorn hope—in short they supplicated that they might be allowed to be foremost to defend the glorious institutions of Great Britain.

When the mild aborigines of this continent, who live among us uninjured and respected, were informed that citizens of the United States, disregarding the wampum-belt, which was sacredly connecting them with Great Britain, had invaded our shores to sympathise with the suffer-

ings of the red tenants of the forest, and to offer them American friendship instead of the enmity of British rule, did our Indian brethren hail their approach? No, their chiefs and warriors instantly painted their faces for battle, and, with rifles in their hands, these free-born defenders of their virgin soil appeared before me with a solitary request, namely, that, in case of their death, their wives and children might be pensioned. The Six Nations Indians, the Missisaguas, the Chippewas, the Hurons, and the Ottawas, spontaneously competed with each other in a determination to die, if necessary, in defending the British Government, under whose parental protection they and their fathers had been born.

When the Canadian farmers and yeomen of British origin were informed that citizens of the United States, sympathising with their sufferings, had in three instances taken forcible possession of her Majesty's territory, for the purpose of liberating them from British domination,—that, with this object in view, the American leaders had issued proclamations, promising to each liberator three hundred acres of the best lands of Upper Canada, with one hundred dollars in silver,—that the American self-styled General in command of the liberators had called upon the citizens of Upper Canada "*to free their land from tyranny*"—"*to rally round the standard of liberty*"—"*to lay down their arms*"—in which case, it was beneficently promised to them that "*their persons and property should be protected,*" and that if they would "*cease resistance, all would be well with them,*"—did the Canadian inhabitants hail their approach? No, on the contrary, their brave and loyal militia, although totally deprived of the assistance of her Majesty's regular troops, rose simultaneously, and, regardless of every private

consideration, wherever the invaders appeared, thousands of bayonets were seen bristling on our shore, ready to receive them. On the eastern, as well as on the western frontier, but one feeling prevailed,—it was a noble determination on the part of free men to conquer or die in defence of their religion—their constitution—their character—their families—and their farms; yet, notwithstanding their excited feelings, when the American citizens, who, from an armed schooner, had cruelly battered the town of Amherstburg, fell into the hands of the brave militia of the Western District (in which not a single rebel had been in arms), did these prisoners fall victims to popular fury, or were they even insulted? No; the instant our invaders surrendered to British power, they experienced that mercy which adorns the British name,—their wounds were healed at our hospitals,—and, from the western extremity of Upper Canada, they were conducted unharmed through the province, safe under the protecting ægis of our laws!

When a band of rebels, defeated in their cruel object to reduce this capital to ashes in the depth of a Canadian winter, were, after the conflict at Gallows Hill, brought to me as prisoners on the field—was any distinction made between American-born and our other Canadian subjects? No, all were released. Before the assembled militia of Upper Canada all were equally pardoned; and though many of our brave men, smarting under feelings natural at the moment, evidently disapproved of the decision, yet all bowed in obedience to the administrator of the laws, and, under the noble influence of Monarchical Government, they allowed their assailants to pass uninjured through their ranks.

When the gallant inhabitants of the provinces of New

Brunswick and Nova Scotia received intelligence that American citizens had commenced an attempt to free the British North American Colonies "*from the tyranny of British rule,*" did they rejoice at the event? No; a burst of loyalty resounded through their lands, and a general desire to assist us was evinced.

If Upper Canada were merely a young, healthy province, with no protection on the continent of America but its character, its industry, and the agricultural difficulties it has to contend with—its filial attachment to its Government—the bravery it has shown in its defence—and the mercy it has extended to its captured assailants, ought to be sufficient to make its aggressors ashamed of their late attempt to force upon their neighbours institutions which they conscientiously and unequivocally reject. But when it is considered that Upper Canada is an integral portion of the British empire, and that the two countries are at this moment bound together by a solemn treaty of peace, the faithless attack of citizens of the United States upon the province, after it had completely quelled a slight domestic insurrection, will, if persisted in, excite feelings among the generous nations of Europe, which will add but little to the character of republican institutions; for surely the smile of a nation should not be more dreaded than its frown, or its extended hand be more fatal than its uplifted arm.

When the facts just stated are clearly comprehended by intelligent men, how will the American citizens, who have so wantonly attacked the British empire, find it possible to explain that the province of Upper Canada required them to interfere in its concerns?

There are two facts which the American nation have not power to deny.

1st. That it is their interest as well as their duty to fulfil their treaties.

2nd. That if their people be permitted to rob the United States arsenals in order to invade a friendly power, the lawless body will very soon find out that it is easier to plunder their own wealthy, defenceless citizens, than the poor, brave, well-armed people of Upper Canada.

I have felt it to be the especial duty of the legislative station I hold, not only to protest against the unprincipled invasion of this province by its allies, but to vindicate the inhabitants from the unreasonable accusation, which, without due inquiry, was made against them by the federal Government of the United States, of having "assassinated" the crew of the Caroline.

The memoir of the attack which has just been made upon us, offers a moral to the mother-country which I feel confident will create throughout the empire considerable sensation; for, although the old country is not without its share of human misapprehension and prejudice, particularly as regards its transatlantic possessions, yet, when facts are clearly submitted to it, its judgment is always sound, and its verdict nobly impartial.

The struggle on this continent between monarchy and democracy has been a problem which Upper Canada has just solved.

It has been very strongly argued, even in England, that democracy was the only form of government indigenous to the soil of America, and that monarchy was a power which required here artificial support.

With a view to subvert this theory, the whole of the Queen's troops were allowed to retire from the province, and the result, as had been anticipated, was, that the people of

Upper Canada were no sooner left uncontrolled than they proclaimed themselves in favour of monarchical institutions. Surrounded by temptations on almost every side, they indignantly rejected them all; in a few hours they successfully put down insurrection in their own land; and when American citizens, astonished as well as disappointed at their loyalty, determined to *force* them to become Republicans, people of all religions, and of all politics, rushed to the frontie to die in defence of their glorious constitution.

The conduct of the militia of Upper Canada attracted the attention of the gallant and loyal inhabitants of New Brunswick and Nova Scotia, whose legislatures have done themselves, as well as this province, the honour of promptly expressing their unqualified approbation of the attachment which has been evinced here to the British constitution.

When these facts shall arrive before the English people, and when they shall also have taken into their consideration the devoted and unalterable attachment which the British population of Lower Canada have evinced for our revered institutions, surely they will come to the conclusion that the concurrent opinions of her Majesty's North American colonies, respecting the relative advantages between monarchy and democracy in America, must be sounder than their own can be, inasmuch as eye-witnesses judge more correctly than people can possibly do who are living four thousand miles off.

The people of England will, I trust, not fail to admire the calmness, the resolution, the generosity, and the honourable subjection to their laws, which have distinguished the inhabitants of Upper Canada; and, on the other hand, they certainly cannot fail to observe that the republican project of our English Reformers, namely, to make the people,

bit by bit, responsible only to themselves, has ended, in America, by the government of the United States confessing its total inability to restrain the passions of its citizens, to guard its state arsenals, or to maintain its treaties with its oldest and most natural ally.

Lastly, the British people will, I trust, observe with considerable alarm, that the leading advocates for organic changes in our institutions are either at this moment lying in our gaols as traitors, or, from having absconded, are self-banished from the province ;—in short, that their pretended efforts to obtain in Upper Canada what they called "LIBERTY FOR THE PEOPLE," has ended in a most infamous and self-interested attempt to plunder private property, rob the banks, and burn to ashes the rising capital of their country!

With this experience before our eyes, I must confess I join with the Legislature and people of Upper Canada in shuddering at the abused name of "*reform*," just as we now recoil with abhorrence when we hear suddenly pronounced the word "*sympathy*."

As my successor is hourly expected here, I return to the mother-country as I left it, totally unconnected with party or with politics ; but in retirement I shall remember the lessons which the people of Upper Canada have taught me ; and I feel it my duty to declare that I leave the continent of America with my judgment perfectly convinced that the inhabitants of Europe, Asia, and Africa, are *right* in their opinion that all men are not by nature equal,—that the assertion of the contrary in America is a *fallacy*,—and that talent, industry, and character, must elevate individuals, as they do nations, in the graduated scale of society.

May the resplendent genius of the British constitution ever continue to illuminate this noble land, and, animated by its influence, may its inhabitants continue to be distinguished for humility of demeanour—nobility of mind—fidelity to their allies—courage before their enemy—mercy in victory—integrity in commerce—reverence for their religion—and, at all times and under all circumstances, implicit obedience to their laws.

Honourable Gentlemen and Gentlemen,

FAREWELL!

Toronto, 3rd March, 1838.

SIR,

I have the honour to inform your Excellency that on the 22nd and 23rd ult. a body of American citizens with arms and cannon, under the command of Mr. Van Rensallaer and others (having previously broken open and robbed the United States arsenal at Watertown), invaded and took possession of Hickery Island, a small territory belonging to her Majesty in the St. Lawrence, about sixteen miles below Kingston.

I have also the honour to transmit to your Excellency a copy of a communication I have received from Colonel the Hon. John Maitland, commanding her Majesty's forces on the western frontier, by which you will perceive that on the 25th ult. a similar invasion of the Queen's territory was committed by a large body of American citizens, who, from the province of Michigan, with arms and cannon, invaded

and took possession of Fighting Island, a long slip of land situated between Sandwich and Amherstburg.

I beg leave to call your Excellency's particular attention to the two circumstances remarked upon by Colonel Maitland, namely, that the arms which our gallant men captured from the perfidious invaders of our soil were *new* United States muskets, and that, when these ruffians were forcibly driven from our island, instead of being captured by the American authorities, they were allowed to form in line on the American shore, from whence they opened a fire upon her Majesty's troops.

It only remains for me to apprize your Excellency that I have been informed, from undoubted authority, that, with scarcely an exception, every one of the United State arsenals, from Lake Champlain to Lake Michigan, have been broken open for the purpose of enabling American citizens to invade us; and it is an act of atrocity unrecorded in the history of civilized nations, that Van Rensellaer and M'Kenzie, who have instigated their followers to these acts, remain to this moment at liberty.

His Excellency I have, &c.
Henry S. Fox, Esq. F. B. Head.

Upper Canada, Toronto, March 6th, 1838.

My Lord,

I have the honour to transmit to your Lordship copies of two messages which I have addressed to

the two Houses of the Provincial Parliament, 1st, on the subject of the destruction of the Caroline steam-boat; 2nd, on a communication which has been addressed to me by Sir Colin Campbell, Lieutenant-Governor of Nova Scotia.

I have, &c.

F. B. Head.

The Lord Glenelg.

Government House, Toronto, March 6th, 1838.

Sir,

It is with very sincere pleasure that I transmit to your Excellency resolutions from the Legislative Council and House of Assembly, in reply to those forwarded to me in your Excellency's obliging communication of the 6th of January.

Besides the documents, I beg you will be so good as to convey to your Legislature, my thanks for the honour it has conferred upon me by connecting my name with the province of New Brunswick, which, in her Majesty's North American Colonies, has always been so conspicuous for its loyalty, and for its noble attachment to the principles of the British Constitution.

I have &c.

F. B. Head.

His Excellency Major-General
Sir John Harvey, K.C.B.

Government House, Toronto, March 8th, 1838.

SIR,

I request that your Excellency will do me the favour to transmit to the Legislative Council of Nova Scotia my thanks for the honour it has conferred upon me by its resolutions dated 29th January last, conveyed to me in your Excellency's obliging communication of the 6th of February.

It gives me very great pleasure to be enabled further to request your Excellency to transmit to the Legislative Council of Nova Scotia the accompanying resolutions from the Legislative Council and House of Assembly of this province.

I have, &c.

F. B. HEAD.

Major-General Sir Colin Campbell, &c.

No. 28.

Upper Canada, Toronto, 6th March, 1838.

MY LORD,

I have the honour to transmit to your Lordship a copy of an address which was read to me this day, while seated on the Throne, by the Speaker of the House of Assembly.

I have, &c.

F. B. HEAD.

The Lord Glenelg.

Copy of the Speaker's Address.

MAY IT PLEASE YOUR EXCELLENCY,

We, her Majesty's most dutiful and loyal subjects, the Commons of Upper Canada, have granted to our Sovereign Lady the Queen the supplies necessary to enable her Majesty to carry on the civil government of this province for the present year.

Upon looking back upon the various important communications which have been made by your Excellency to the House of Assembly during the present session, we cannot but congratulate you and the country upon the firm and noble attitude assumed by your Excellency in all those public documents which have emanated from your Excellency.

When we reflect upon the serious occurrences that have taken place in Upper Canada, and upon its borders, within a few months past, and upon the distinguished part taken by your Excellency to maintain the honour and interests of our country during that short but eventful period, we find equal cause of gratulation. Rebellion has been crushed, the attacks of perfidious citizens of a foreign power have been repelled, and peace reigns triumphant within the bounds of your Excellency's government. We trust that the provisions of the militia-law, to which your Excellency has just given the royal assent, may, under Divine Providence, contribute to the preservation of this loyal portion of the British Empire from

the aggression of all enemies, whether foreign or domestic.

From the message of your Excellency, transmitted to both Houses of the Legislature, we have too much reason to believe that the present will be the last time we ever shall have the honour of meeting your Excellency on an occasion like the present.

In the name of the people of this province, I offer to your Excellency the expression of their deep regret that your Excellency should have felt constrained to tender to her Majesty your resignation of the government of this province, which your Excellency has administered with so much credit to yourself and advantage to the country.

The people of Upper Canada will ever retain a grateful recollection of the services of your Excellency; and they feel assured your Excellency will meet with a due reward at the hands of our youthful and beloved Queen.

It now only remains for me to present to your Excellency, for the royal assent, the Bill to provide for the civil government of this province for the current year.

No. 33.

Toronto, 14*th March*, 1838.

My Lord,

I have the honour to transmit to your Lordship a copy of a despatch from Colonel the Honourable John

Maitland, commanding the forces in the western district, detailing the gallant manner in which he marched against a large body of organised Americans, who had taken possession of Point Pelé Island, which they had invaded.

Your Lordship will perceive that the American force retreated as soon as he advanced, and, traversing the island, which is nine miles long, quicker than it was possible for him to follow them, they came in sight of a couple of companies of the 32nd Regiment, under the command of Captain Brown, which had been purposely stationed on the ice, with a view to cut off their retreat to the American shore.

The Americans, seeing this small party, determined to attack them with their whole force, and, advancing towards them, they availed themselves of a quantity of broken ice, behind which they were, to a certain degree, protected, and then opened their fire.

In a short time about thirty of our brave men fell, and there can be no doubt that in a few minutes they must have been all mowed down by the destructive fire of so many rifles and muskets, had not Captain Brown, with admirable decision, ordered his men to charge.

The Republicans stood their ground until the monarchical troops arrived within about twenty yards of them, when, abandoning their position, as also their principle that "all men are born *equal*," they decamped in the greatest confusion, and reached the shore; and,

had they there rallied behind the trees, it would have been impossible for so small a party of men to have dislodged them; however, they continued to retreat, and were completely driven from our island.

If your Lordship will be so good as to compare the date of this action with the attacks that were made about the same day upon the province at Hickery Island, near Kingston, and at Pantalbino, opposite Buffalo, you will perceive that a simultaneous effort was made to gain possession of Upper Canada.

In all quarters it has been repulsed, and I am happy to say that in no instance have our faithless allies dared to attack the main land, their attempts at conquest having only been directed upon our own islands.

I have every reason to believe that this is the last effort which will be made; and I have no doubt that its expected success has been the reason why the Federal Government at Washington have so unaccountably delayed to legislate on the subject of these unprincipled aggressions.

Seeing that they can make no impression upon us, I fully expect they will now adopt measures which they should not have delayed.

I hear from every quarter that the excitement, or sympathy, in the United States is rapidly subsiding.

In the attack at Point Pelé Island, the Americans not only lost their commanding officer, but, the following day, General Sutherland, the author of the proclamations alluded to in my speech on pro-

roguing the Legislature, was, with his aid-de-camp, Captain Spencer, taken prisoner and, two days ago, they were brought here, through the province, under a guard only of twelve men.

I immediately ordered Mr. Sutherland to be tried by a court-martial, before which he was yesterday arraigned.

In the course of last night he managed to open veins in each arm and in each instep, and this morning he was found nearly lifeless from the loss of blood; in consequence of which, the court-martial has adjourned until Saturday.

I have, &c.

F. B. Head.

The Right Hon. the Lord Glenelg, &c.

P. S.—I have this morning received, for the first time, intelligence of the departure from England of Sir George Arthur, but I have not yet heard of his arrival at New York. I find that Colonel Maitland's despatches are in the hands of the Judge Advocate of the court-martial, and I fear they can scarcely be copied in time for this mail.

Copy of the Confession of the American General Sutherland, made a few minutes before he attempted self-destruction.

Garrison, Toronto, 22nd March, 1838.

Sir,

In compliance with the wish expressed by your Excellency that I would reduce to writing that part of the conversation

that I had with the prisoner Thomas Jefferson Sutherland on the 13th instant, which related to the United States Government, I have the honour to transmit, for your Excellency's information, the following statement, which, as nearly as I can recollect, is correct.

While visiting the prisoner, on the evening of the 13th, with the officers of the guard, I was requested by Sutherland to sit a short time and converse with him. Having ascertained that I did not belong to the militia, or was connected with the court-martial then sitting for his trial, he entered freely into conversation, but chiefly on the politics of the country, and stated his own views, and, as he said, those of his Government, for the line of conduct lately pursued by them

He said it was the aim of the United States to become a great naval nation; that they could not be a military one, as a standing army of any force was not compatible with their institutions, and, instead of supporting the Government, would be first to cause its overthrow; therefore their attention was directed to their navy, and their means of increasing it: the greatest obstacle they had to contend against was the possession by Great Britain of the Canadas, from which she could, at any moment, throw a large body of troops into their territory. *It was their determination, at all hazards, to obtain the Canadas as they had Texas, and then they would have the sea-board from the Gulf of Florida to the Northern Ocean.*

I asked him, when he said "they," did he mean the people of the United States, or the Government? His answer was, that *the people of the States were the Government, and the will of the people was the law, by which their rulers must abide;* that in the acts of the Americans in favour of

the insurrection in this province, and in the Proclamation of the President and General Scott to put down the meetings and arm the Patriots, the Government had acted with duplicity, for it was not their wish or their intention to suppress them; "*In fact,*" said he, "*it is a piece of humbug on their part; and, as a proof of it, I will now tell you that none of the arsenals were robbed of the arms, but the doors were opened, and we were told to help ourselves.*"

This is all I remember which I consider material for your Excellency to be acquainted with, and, trusting it may meet with your approval,

I have the honour to be, with great respect,
Your obedient humble servant,
(Signed) WILLIAM SPRING,
Lieutenant-Adjutant, 24th Regt.

Certified to be correct,
GEORGE SIDINGHAM,
Assistant-Surgeon, 24th Regt.

(City of Toronto to wit.)

William Spring, Lieutenant and Adjutant of her Majesty's 24th Regiment, being duly sworn upon the Evangelists, deposeth and saith, that the above statement is just and true in all its particulars.

(Signed) WILLIAM SPRING.

Sworn before me, this 23rd March, 1838.
GEORGE GURNET, Ald. and J. P.

No. 38.

Toronto, 17th March, 1838.

MY LORD,

From the particular circumstances under which I have been placed here, I have felt it necessary to agi-

tate the public mind more than was congenial to my habits, or perhaps, more correctly speaking, to the station I hold.

It is not my desire to defend the irregularity, which I am sensible can only be excused by its success; but, inasmuch as the animosity which I have purposely endeavoured to create in Upper Canada against republican institutions may be considered by her Majesty's Government to amount to an expression of opinion on my part in favour of actual hostility against the United States, I am anxious, before I leave the province, to explain to your Lordship that I am very far from desiring to recommend any such measure.

Although it has been absolutely necessary that by a species of agitation I should rally around me the loyal and brave militia of this province, yet I can assure your Lordship I have done so merely on the defensive principle, and that nothing has been further from my intention than to do anything offensive to the Americans or their Government.

To all those in authority under me I have strongly recommended this course of procedure, and I enclose to your Lordship a private letter (A) which I some time ago addressed to the Governor of the neighbouring State of New York, which will, I believe, satisfy your Lordship of the desire I evinced to co-operate with the American authorities in maintaining our treaty inviolate.

I have not time, nor would it be perhaps proper that I should now detail to her Majesty's Government the many reasons which, in my humble opinion, exist against our declaring war with the United States; but on my arrival in England, should it be desired, I would do so; and it would certainly give me very great satisfaction to be enabled to contribute towards an object of so much importance to humanity in general, and to the British empire in particular.

I have, &c.

F. B. HEAD.

The Lord Glenelg, &c.

(COPY). (Letter referred to, A.)

His Excellency W. L. Marcy, Esq., Governor of the State of New York.

Toronto, Dec. 27th, 1837.

DEAR SIR,

I have just received information that your Excellency has taken the trouble to come to Buffalo for the purpose of preserving the peace which has so long happily existed between Great Britain and the United States.

This exertion on the part of your Excellency is, I can assure you, duly appreciated by me, and it has induced me to determine on crossing over to Niagara to-morrow, from whence I will proceed to Fort Erie, and will have the pleasure of calling on your Excellency at Buffalo, at any hour and at any place in the city,* on Friday the 29th instant,

* This visit would have been attended with some little risk, as the people of Buffalo were so highly excited, yet I thought they would surely respect me as the guest of their own Governor.

which your Excellency may be so kind as to appoint in a note addressed to me, to the care of the officer commanding the Canada Militia at Chippewa.

I remain, &c.

F. B. Head.

Reply to the above.

Albany, January 3rd, 1838.

Sir,

I have just received your letter of the 27th ultimo, directed to me at Buffalo, and forwarded to this place. Your Excellency was misinformed as to my being at Buffalo at the time you addressed me. Had I been there, I should have readily assented to the proposed interview, in the hopes it might have led to some arrangement calculated to preserve the mutual relations between the United States and her Britannic Majesty's provinces of Canada, and quiet the apprehensions of the inhabitants on the frontier.

I have, &c.

W. L. Marcy.

His Excellency Sir Francis Bond Head,
Lieutenant-Governor.

At the time I wrote this despatch to the Colonial Office, my reasons for recommending that we should avoid going to war with America rested on the same grounds as the reasons which had induced me to recommend a moral instead of a military government of our British North American provinces.

When the Americans began to invade us, if her Majesty's Government had supported me in

calmly calling upon them, before the civilized world, to perform the duty they owed to the human character, and to the human family;—if remonstrance after remonstrance had publicly been administered to them, until the old nations of Europe began to look askance at them, to mistrust their promises, and to recoil from their friendship; if, while this cheap moral medicine was working its effect, every robber invading Upper Canada, under the protection of no government, and under no national flag, had been, without exception, quickly hung, as, by the laws of nations, pirates always have been hung, there exists, I believe, no people on earth who would more sensitively have felt their disreputable station, and who more nobly and more promptly would have risen to redeem their national character, than the citizens of the United States, who, like all men, however brave they may be, cannot long bear up against being everywhere calmly looked down upon *by men of honour*.

If this simple policy had been pursued, about two millions of money would have been saved, and the difficulties of adjustment, which have now (hidden though they be) risen to an alarming degree, would have been arrested. But what has been our course?

When I calmly called shame upon the American people, it was said I was rashly offending them. When the piratical steamer, the Caroline, chartered to carry offensive weapons and invaders to her Majesty's

island, was gallantly captured, we were told we should involve the country in war. When robbers, who had invaded Upper Canada to murder its people, became our prisoners, with uplifted eyes we were called upon, in the name of mercy, not to hurt them. When the Indian warriors, painting their faces, rose to defend their native territory against people whose savage fury made them mutilate with their bowie knives the very corpses of our officers, soldiers, and militia, it was preached to us, as from a tub, that Indian warfare ought not to be allowed!

In short, with democracy attacking us in all quarters, we were discouraged from defending ourselves either by word or deed; and, of course, under these circumstances, invincible moral power was gradually substituted by a costly military force, which is now hanging upon the neck of the nation as the mark of its abject weakness, rather than as the proof of its strength!

A country may undeniably submit to be insulted by its neighbouring government if it chooses, but surely it cannot be denied that a civilized community has no right whatever to compromise the laws of nations, by quietly submitting to piracy, which it is the bounden duty of all men to unite in suppressing. We have neglected this duty, and it now remains for us to pay a disgraceful penalty which is yearly increasing in geometrical progression.

No. 44.

Upper Canada.

Toronto, 20*th March*, 1838.

My Lord,

I have the honour to enclose to your Lordship a printed copy of some addresses, &c., which have been presented to me in consequence of my resignation of the government of this province.

In justice to myself, as well as with a view to satisfy your Lordship, I am desirous of explaining that, on receiving your Lordship's despatch, informing me that my resignation had been accepted, and that my successor had been appointed, I at once determined to do everything in my power to prevent my departure from this province embarrassing my successor or the policy of her Majesty's Government.

I accordingly, without loss of time, mentioned to the Speaker of the Legislative Council, and the Attorney and Solicitor-Generals, who are members of the Lower House, it was my anxious desire that no private considerations should induce the Legislature to forget for a moment that we had an enemy on our frontier that could only be repelled by unanimity and high feelings.

I made a similar communication to the Mayor of Toronto, who came to inform me that some of the militia had thrown down their arms; and I can assure your Lordship that, whenever I had an opportu-

nity, I did all in my power to allay the slight excitement which at first appeared to prevail.

As soon as some addresses reached me, I determined that I would return but one and the same short answer to them all, and, accordingly, I gave to the Constitutional Society of Quebec, and to various other public bodies, the identical reply which I had given to the blacks and Indians.

I have just declined to accept a public dinner in my way through Montreal; I shall do the same to a similar invitation which I see is in preparation at Quebec; and if, on my arrival in that city, I should find it unsafe for me even to go by the Kennebec road to New York, and should consequently proceed to England by Halifax, in travelling through the provinces of New Brunswick and Nova Scotia I shall pursue a similar course.

As Sir George Arthur has, I am informed, already reached Montreal, his arrival here is hourly expected.

I therefore take this opportunity, which may possibly be my last official despatch from this Government, to assure your Lordship that, in the opposition I have offered to the commands of her Majesty's Government, and in the unreserved expression of my opinions, I have solely been guided by a sense of public duty, in defence of which I have nothing further to say; I hope, however, I shall not in vain request your Lordship to feel assured that it was never my intention to be disrespectful to your Lordship. If anything

I have written bears that construction, I beg leave unequivocally to apologise for it.

I have the honour to be, &c.

F. B. Head.

The Lord Glenelg, &c.

CHAPTER XII.

Arrival in London—Interview with the Secretary of State—Letter to Lord Melbourne—Correspondence with the Colonial Office.

On my arrival in London, I solicited an interview, in Downing-street, with Her Majesty's Secretary of State for the Colonies, for the purpose of urging the claims upon Her Majesty's Government of Colonel Fitzgibbon, who had commanded the attack of the rebels on Gallows Hill—of Captain Drew, who had commanded the successful attack of the Caroline—of Lieutenant M'Cormack, who had been wounded, and disabled there—and of the widow of Colonel Moodie, who had been cruelly murdered as he was gallantly bringing me intelligence of the approach of the rebels.

Having performed these duties of public gratitude for public services, I calmly complained to his Lordship of the want of due support from Her Majesty's Government on the most important occasions. What were my feelings on this and other similar subjects will, however, best be explained by a letter which I subsequently addressed to Lord Melbourne; but before I come to that, I feel bound in justice to the Government to mention an otherwise insignificant matter—namely, the pecuniary loss occasioned to me

by my mission. I have already stated that out of the 300*l.* originally granted to me for outfit, 230*l.* had been retained for fees on my commission, and that the appointment of my aid-de-camp had been annulled.

Suffice it to say that Her Majesty's Government have, with strict justice, recently repaid me the whole of my expenses, and that my aid-de-camp was restored to me at Toronto, about five months after his appointment had been suspended.

On more important points I have not (as the following letter will show) been quite so fortunate.

To Lord Melbourne.

*Barford, Warwick, Sept.*18, 1838.

My Lord,

During the session of Parliament I was unwilling to trouble Her Majesty's Government with the following application for redress, which I trust will now receive from your Lordship a patient consideration.

My Lord, without recapitulating in detail the various by-gone difficulties which for more than two years I encountered in administering the Government of Upper Canada, I will merely observe, that on my arrival in that province I found myself not only bounded on the one side by Lower Canada on the eve of a revolt, and, on the other side, by the United States, whose government, as well as people, were secretly using their influence to exterminate from the continent

of America Monarchical institutions, but I found myself exposed to and opposed by a Republican House of Assembly, headed by Mr. Speaker Bidwell, generally looked upon as the bitter enemy of Monarchy, the untiring advocate of Republican institutions, and the avowed friend as well as correspondent of the traitor Papineau, the Speaker of the House of Assembly in the Lower Province.

Previous to my arrival in Upper Canada, Mr. Bidwell, and the overwhelming majority who supported him, had determined to refuse to meet again in session until their revolutionary demands had been acceded to; and there can be no doubt if Mr. Bidwell had done this, and, without giving any reason, had merely followed the example of Mr. Papineau and the House of Assembly in the Lower Province, that the British Government, embarrassed by this double revolt, and by the simultaneous demands of the President of the United States respecting the State of Maine, would have found it almost impossible (even if they had wished it) to have persuaded the English House of Commons to have supported them in the expense of resisting what would have been vulgarly termed the unanimous desire of the North American Colonies for Republican institutions: in short, *the Canadas would have been surrendered by us;* and if the transatlantic barrier of the British Empire had been thus broken, the torrent of democracy suddenly rushing upon the mother-country might almost have over-

turned our institutions at home. Fortunately, however, Mr. Bidwell and his party determined to go through the form of meeting me in Provincial Parliament; nevertheless, the day it assembled they endeavoured to pick a quarrel with me, and immediately followed up this attempt by a series of violent addresses to me, the revolutionary object of which could not be mistaken.

The published replies which I gave to these addresses not only parried the attacks made upon me, but struck a series of heavy blows upon my assailants, who, becoming angry in proportion as they saw themselves publicly discomfited, prevailed upon their accomplice Dr. Rolph, a member of my Executive Council, to require me to surrender to the said Council the responsibility, power, and patronage which were the constitutional attributes of my station.

Until this demand was made I had, apparently, been gradually retreating before Mr. Bidwell and the House of Assembly, but no sooner did I perceive that by supporting this unjust demand of Dr. Rolph they had rashly encamped themselves with him upon a position from which I felt myself competent to drive them, than I determined on attacking them, and accordingly, throwing off all disguise, I refused their demands, dissolved the Parliament, and declaring myself, on the continent of America, to be the uncompromising supporter of our Monarchy, and the open opponent of democratic institutions, I threw

myself upon the people of Upper Canada, and appealing to their loyalty and good sense, I commenced a moral agitation which drew upon Upper Canada the almost breathless attention not only of the whole of our North American Colonies, but of the Government and people of the United States.

The excitement attendant upon a general election afforded me opportunities of addressing the backwoodsmen of the remotest regions of the province, in plain language, which, though deservedly open to diplomatic criticism, nevertheless circulated in all directions. My writings, faulty as they were, imparting to these honest freeholders truths of which they had been kept ignorant, not only dispelled the delusions which had been practised upon them, but made them one after another turn with indignation upon their betrayers.

During three months I maintained this conflict with the enemies of the British constitution, during which time Her Majesty's Government (probably believing that I should not be successful) deemed it politic to leave me unassisted to struggle with the storm. The crisis at last arrived, and when the elections were terminated the result proved, that inexperienced as I was in diplomatic controversies, I had not falsely estimated the power and majesty of a just cause.

My antagonist, Mr. Bidwell, was not only driven from the *chair*, but he was discarded even from the

House of Assembly; in fact, he lost his election. Mr. M'Kenzie, as well as all the leading republican members, also lost *their* elections. Dr. Rolph's insidious machinations were totally discomfited, and the important result of the contest was the moral triumph on the continent of America of monarchical institutions; indeed, so decided was the opinion of the new Parliament on the subject, that one of the first acts of the House of Assembly was, to express, in the strongest terms, its indignation at a certain traitorous letter addressed by Mr. Papineau to Mr. Bidwell, which that gentleman, as his last act, had at midnight, on the last night of the session, managed, almost surreptitiously, to place upon the journals of the House.

The tranquillity which was thus obtained was not the effect of mere momentary excitement; on the contrary, it was suddenly and unexpectedly tested by the simultaneous stoppage of all the banks in the United States, as well as in Lower Canada, Nova Scotia, and New Brunswick. Upon principles irreconcileable with British commercial integrity, the whole of these institutions, though they had specie in their coffers, stopped payment. The banks of Upper Canada alone performed their engagements to the public creditor by honestly liquidating what they had promised to pay on demand. The odium and unpopularity unavoidably attendant upon their performance of this duty fell (I believe unjustly) almost

wholly upon me. Nevertheless, the discomfiture of the Republicans was so complete that, in spite of the temporary unpopularity to which I have alluded, and to which I was subjected for nearly a year, I was enabled, when Mr. Papineau's insurrection in Lower Canada broke out, to grant to Lord Gosford and to Sir John Colborne the timely assistance of Her Majesty's troops from the Upper Province; and moreover, when the writings of Mr. M'Kenzie and Mr. Bidwell, and the traitorous conduct of Dr. Rolph, caused a sympathetic insurrection to break out in Upper Canada, I again, in a moment of unexampled difficulty, emphatically appealed to the good sense and good feelings of the people, and assuming the attitude which I humbly believed to be best suited to the occasion, with folded arms I publicly waited the result.

Her Majesty's Government observing the danger by which I was evidently surrounded, deemed it again politic to leave me to my fate; indeed, in the Imperial Parliament it was more than hinted that I was over chivalrous—that my writings (my only means of defence) were epigrammatic, and that the attitude I had publicly assumed was the effect of a distempered rather than of a serene mind. However, a just cause again triumphed—the people of Upper Canada again most nobly responded to my call, and while people in England were accusing me of rashness, the Caandian militia not only promptly suppressed

domestic insurrection, but in every direction successfully repulsed the people of the United States, who, apparently encouraged by their Government, attempted to rush in upon and take possession of the Canadas. Lastly, Dr. Rolph, Mr. M'Kenzie, and the whole of the leaders of the insurrection, absconded from the province; Mr. Bidwell also prudently retired into the United States, where he was received with open arms, and contrary to precedent, rule, and, I believe, law, he was raised, *per saltum*, to be advocate and attorney of the American bar.

My Lord, during the two years in which, as an inexperienced man, I was engaged in the arduous struggle which I have just imperfectly described, Her Majesty's Government not only cautiously abstained from the danger of taking any share in the difficulties I had to contend with—they not only abstained from giving me adequate support, but pursuing a policy as inexplicable to me as it was to the Provincial Parliament, and to every man, by whom I was supported—they seemed determined to pull down my authority, and to restore to power those whom, in a moral and almost a bloodless contest, I had defeated.

For instance, while I was publicly engaged in presence of the whole people of the North American Colonies, in struggling against the demands of Dr. Rolph, and his bosom-friend, Mr. Speaker Bidwell, I received from Downing-street intimation that it might be advisable to raise the former of these individuals to

a place of high consequence, and to elevate the latter to the bench; and as if this were not sufficient to dishearten those who surrounded me, I was, without being offered the power of justifying myself, peremptorily ordered to replace on the bench Judge Ridout, who by the unanimous advice of my Council (the sister of one of whom was married to his brother), I had dismissed, because he continued openly to attend and harangue the notorious Central Committee, because he had himself read to me an insulting address, and because he had violated all political decency by publicly declaring that I, the Lieutenant-Governor of Upper Canada, deserved to be "tarred and feathered," and that he, Judge Ridout, "would lend a hand to do so."

My Lord, my correspondence with Her Majesty's Government, on these topics, teem with facts and incontrovertible evidence, showing the violent political conduct during the whole of their lives, of Mr. Bidwell, and of Mr. Ridout, who were considered by my executive council, (whom I repeatedly consulted,) by the Chief Justice, by the Attorney and Solicitor-General, and by the bar, as unfit subjects, on account of the violence of their politics, for the honours proposed to be bestowed upon them by Her Majesty's Government.

To these earnest remonstrances on my part, and though the Province was upon the eve of a rebellion, Her Majesty's Government deemed it politic to reply

by desiring me, at the next vacancy, to elevate Mr. Bidwell to the bench, and the Government persisted, moreover, in withholding its approbation of my dismissal of Mr. Ridout!

My Lord, I belonged to no political party in England; I had propounded on the continent of America no political doctrines except, as I have already confessed, unalterable attachment to monarchical institutions, and uncompromising opposition to democracy. I had given Her Majesty's Government no just cause for offence, and having, unfortunately, at their repeated solicitations, given up my permanent situation (I was the senior of the twenty assistant-commissioners) in the Poor Law Commission, where, at least, I was serving to the satisfaction of my employers, I had, so far as the private interests of my family were concerned, made myself so completely dependent upon my station and salary of Lieutenant-Governor of Upper Canada, the outfit for which had been very expensive, that I had every reason to desire to retain this appointment, and no reason whatever to quarrel with Her Majesty's Government: nevertheless, as soon as I found that Her Majesty's Government were really the open supporters against me, of such men as Mr. Bidwell and Mr. Ridout, without the slightest feeling, either of petulance or anger, and, I hope, without the expression of a single sentiment of disrespect, I begged leave to retire from a most dangerous station, which, without the countenance of my employers, I had not the ability

to maintain; in fact, Her Majesty's Government actually drove me from the field, and it is a singular fact, which your Lordship is aware is recorded in my despatches, that only six days after the Government despatch, which announced to me that my resignation was accepted, had left Downing Street, Dr. Rolph, one of the individuals recommended for elevation by the Colonial Office, actually arranged as the President of the Republican Provincial Government of Upper Canada, his murderous attack upon Toronto; which was attempted to be carried into effect by Mr. M'Kenzie, upon whose flag, (the emblem of arson and robbery) when it fell into the hands of the loyal Militia of Upper Canada, was found inscribed in large letters—

"BIDWELL, and the Glorious Minority;
1837, and a good beginning!"

As soon as my retirement from the Government of Upper Canada was made known to the Provincial legislature, (upon whose addresses I declined to give copies of the correspondence with Her Majesty's Government, which led to my resignation,) I received from both branches addresses, containing expressions too complimentary for me to transcribe.

Not only from almost every town and district in Upper Canada, I received addresses of a similar nature, but the Legislatures, as well as people of Lower Canada, New Brunswick, and Nova Scotia, forwarded to me the most gratifying addresses, and,

as soon as it became known, that in order to avoid the personal danger which awaited me in the United States, I had taken measures for embarking at Halifax, preparations were immediately made in Lower Canada, as well as in New Brunswick, and Nova Scotia, for receiving me in these Provinces with public honours.

I need not say, that under the peculiar circumstances attendant upon my retirement, from the loyal people of Upper Canada, it would have been not only highly gratifying but of essential *service* to me to have accepted from the whole of our North American Colonies (who, as by-standers, had been eye-witnesses of my conduct) this public testimony of their support; but I felt it would be of still greater advantage to me to demonstrate that my retirement from the service of Her Majesty's Government had proceeded solely from public principle, and that I had no factious desire either to embarrass my successor or the Government under which I had served. I, accordingly, went through the United States to New York, and your Lordship is aware, that instead of this measure being appreciated by Her Majesty's Government, it was by almost every member of it termed, "like my other acts, over-chivalrous, and rash."

On my arrival in England I was actuated by the same feelings, and, though the merchants in the City of London, connected with the North American Colonies, insisted, in a manner which I could not decline, on paying me a most honourable compli-

ment, yet neither to them, nor even to my friends did I divulge the cause of my return, or lay before them copies of the correspondence with Her Majesty's Government, which had led to my resignation. Neither directly nor indirectly did I either say, or write, to any man, one word, which could in any way embarrass Her Majesty's Government, and conscious of the integrity of my own conduct, I should, in my retirement, have still submitted silently to the wrongs which I conceive I have suffered, had it not been (as I now propose to show your Lordship, by a document, and by evidence which is unanswerable) that Her Majesty's Government suddenly turned round, and adopted as their own the very arguments, and the identical course of policy, for the pursuance of which they had driven me from the Government of Upper Canada.

The document to which I allude, and which relates to the dismissal by her Majesty's Government of the Chief Justice of Newfoundland, is as follows:

(COPY.)

"At the Court of Buckingham Palace, the 5th day of July, 1838;

PRESENT,

The Queen's Most Excellent Majesty,

Lord Chancellor,	Viscount Howick,
Lord President,	Lord Holland,
Lord Steward,	Lord Hill,
Earl of Albemarle,	Lord Glenelg,
Earl of Minto,	Sir J. Hobhouse,
Viscount Palmerston,	Mr. Chancellor of Exchequer.

"WHEREAS there was this day read at the Board a Report 'from the Right Honourable the Lords of the Committee of the Privy Council, dated this day, in the words following, viz.

"In reporting to your Majesty upon the Memorial, your Majesty has been pleased to refer to us from your Majesty's Commons of Newfoundland in General Assembly convened, we think it right in the first place to state that we have not found anything to justify the terms adopted in the prayer of the Memorial 'that your Majesty would be pleased to purify the bench of justice in Newfoundland by the removal of the Chief Justice,' inasmuch as we have not found any ground for imputing to the Chief Justice any corrupt motive or intentional deviation from his duty as a judge, and we feel it is incumbent upon us to express disapprobation at the language and conduct adopted towards the Chief Justice, as being unjust towards him personally, and inconsistent with the respect due to the high office he was filling.

"We regret, however, to be under the necessity of reporting that we have found in some of the transactions brought under our consideration, so much of indiscretion in the conduct of the Chief Justice, *that he has permitted himself so much to participate in the strong feelings which appear, unfortunately, to have influenced the different parties in the colonies, (although we do not find that his judicial decisions have been affected thereby,) that we feel it our duty to state, that we think it would be inexpedient that he should be continued in the office of Chief Justice of Newfoundland.*

"Her Majesty having taken the said report into consideration, was pleased, by and with the advice of the Privy Council, to *approve thereof*, and of what is therein recom-

mended, and to order, as it is hereby ordered, that the Right Honourable Lord Glenelg, one of her Majesty's principal Secretaries of State, do signify to Chief Justice Bolton her Majesty's pleasure thereon."

(Signed) "C. GREVILLE."

By the above document it will appear, that almost immediately after my resignation was accepted, Her Majesty's Government dismissed the Chief Justice of Newfoundland, an old and faithful servant of the Crown, for the identical* reasons which I had given to them in Upper Canada, for having dismissed Mr. Ridout (who was merely the Judge of a district court), and for not having elevated the Republican ex-speaker Bidwell to the bench.

In the case of the Chief Justice of Newfoundland (which was drawn up against him, and signed by Stephen Lushington,† Daniel O'Connell,‡ and F. Fleming), it appears that the Privy Council reported that they had not found anything to justify the terms adopted in the Memorial of the Assembly of Newfoundland—that they had not found any ground for

* I mean only *identical* in *principle*, for in the *degree* there was no comparison. The Chief Justice of Newfoundland is charged only with having *participated* in strong party *feelings*, whereas the parties I had dismissed were proved to have used the most insulting language, and to have otherwise violently opposed me.

† Since made Judge of the Admiralty; though *he* would not, I suppose, deny that "he participates in strong party feelings."

‡ To whom—though it will not, I suppose, be denied that "*he* participates in strong party feelings"—it has been stated, and not contradicted, that her Majesty's Government offered successively two of the highest stations on the Irish Bench."

imputing to the Chief Justice any corrupt motive, or intentional deviation from his duty as a Judge; they even expressed their disapprobation at the language and conduct adopted towards the Chief Justice, which they declared to be unjust towards him personally, and inconsistent with the respect due to the high office he was filling: and yet, in spite of the Chief Justice's admitted innocence, and notwithstanding the declared guilt of his accusers, her Majesty's Government deliberately dismissed this public servant, with no other explanation, or no other reason, than is contained in the following sentence:—"We regret, however, to be under the necessity of reporting that we have found, in some of the transactions brought under our consideration, so much of indiscretion in the conduct of the Chief Justice, and that he has permitted himself so much to participate in the strong feelings which appear unfortunately to have influenced the different parties in the colony (ALTHOUH WE DO NOT FIND THAT HIS JUDICIAL DECISIONS HAVE BEEN AFFECTED THEREBY), that we feel it our duty to state that we think it will be *inexpedient that he should be continued in the office of Chief Justice of Newfoundland.*"*

My Lord, against the policy of a minister, or against the policy of a government, it is, I am aware,

* One often hears of condemnation, with a recommendation to mercy, but here is an acquittal, with a recommendation to punishment!

generally speaking, hopeless for an humble individual, like the Chief Justice of Newfoundland, or like myself, to argue or complain; for even if the individual should succeed in proving ever so clearly, or ever so cleverly, the said policy to be bad, the minister is, I admit, fully justified in abruptly ending the discussion, by exclaiming, "Sic volo, sic jubeo, stet pro ratione voluntas," which means "*Its my policy*."

Your Lordship therefore, or Her Majesty's Government, had full indulgence either to say to the Lieutenant-governor of Upper Canada, "We will not allow you even on the eve of an insurrection in our colonies to remove a Judge from the bench of a District Court, *merely* because he has taken a violent part in politics—*merely* because from having done so the Executive Council, the Attorney and Solicitor-General, the Chief Justice, the Judges, and the bar of Upper Canada all united in approving of his dismissal—*merely* because he openly and grossly insulted you by reading to you at the head of a Republican deputation an impertinent address—and *merely* because he publicly threatened 'to tar and feather' you. We moreover insist that out of the whole population of Upper Canada, it is advisable that you should select and elevate to the Bench, her Majesty's bitterest opponent, because we do not think he should be debarred from this exalted station *merely* because, during his whole life, he has been (like his father before him) the unceasing advocate of Republican

institutions—*merely* because by his speeches and by his writings he has done more than any other man in the Canadas in bringing about the late revolt which will cost the mother-country more than two millions —and *merely* because he was the speaker and leader of a house of assembly, which, previous to your dissolving it, offered you every possible insult."

On the other hand, your Lordship or Her Majesty's Government had full indulgence to say to the Chief Justice of Newfoundland, " Your motives have never been corrupt—you have never intentionally deviated from your duty as a judge—your judicial decisions have never been affected by your political principles, BUT you have permitted yourself to participate in the strong feelings which appear unfortunately to have influenced the different parties in the colony of Newfoundland, and although in that colony there was not the slightest danger of a revolt, yet we have considered the case brought against you before the Privy Council, by Stephen Lushington, Daniel O'Connell, and J. Fleming, and as it is our fixed policy that in our North American colonies *the bench of justice shall be immaculate* from and even unsuspected of political bias—*we dismiss you.*"

Your Lordship and Her Majesty's Government enjoy (as I have already admitted) full liberty to pursue *one* of the above two diametrically opposite courses of policy, and to give no explanation to either complainant, except the Latin sentence I have

quoted; but, my Lord, I very respectfully submit that neither your Lordship, nor Her Majesty's Government, nor the people of England, nor any power on earth ought even to desire to possess the right of pursuing in the North American colonies *both* of these policies at the same time; I mean of saying that your law *is* and *is not*, that it is *right* and that it is *wrong;* in short, that the Lieutenant-Governor of Upper Canada, and the Chief Justice of Newfoundland, shall be equally driven from the service of their sovereign, in order that the people of the North American colonies may learn that a Judge's interference with political party *is no objection whatever*, and *is an insuperable objection* to his remaining on the bench.

But taking leave of the case of the Chief Justice of Newfoundland, I beg permission to remind your Lordship, that in the able defence of Lord Durham which her Majesty's Government lately made before Parliament, your Lordship in the one House, and Lord John Russell in the other, strenuously maintained the identical doctrines, my support of which induced her Majesty's Government morally speaking to drive me from the Government of Upper Canada. It was not denied, (on the contrary, it was admitted most frankly by your Lordship as well as by Lord John Russell) that Lord Durham had acted illegally, but generously supporting the public servant in the execution of his new and difficult duties, your Lordship's whole argument tended to prove that Lord Dur-

ham's measures *were justified by* THE NECESSITY OF THE CASE, and so strongly did her Majesty's Government maintain this principle, that your Lordship not only assailed the whole profession of the law, as well as the quibbles by which lawyers maintain the smallest private right against the public safety, but your Lordship very truly added, " that the noble Earl (Durham) would be most seriously injured even by the discussion—that unquestionably his authority would be much weakened by it—and that it would be far better for their Lordships to move an address to the crown to recall him at once, than to weaken and impair his authority; in short, that to confer powers on an individual, and not to give him confidence for the exercise of them, was only laying a trap for him, or something like it."

A Bill of Indemnity, which eventually passed through both Houses of the Imperial Parliament, was proposed and acceded to, on the principle urged by the Government, that his Lordship was deserving of protection, because his measures (though illegal) *were justified by the necessity of the case.*

Now, if my correspondence with her Majesty's Government, which led to my resignation, were to be referred to, it would at once appear, that the reason, cause, or defence, I offered to her Majesty's Government, for not replacing Judge Ridout, and for refusing to elevate on the eve of a revolt, the ex-speaker Bidwell to the bench, was *the necessity of the case.* A necessity, I humbly submit, infinitely

heavier than Lord Durham's necessity, inasmuch, as his Lordship did not arrive in the Canadas until the rebels in both Provinces had been defeated—until the American forces had been successfully repulsed in every attempt they had made to invade and possess themselves of Upper Canada—until Papineau, Bidwell, Rolph, M'Kenzie, and the whole nest of Conspirators who had offered 500*l.* for my apprehension, had absconded from the Province—in short, until "the hurly-burly was done, and the battle lost and won;" nevertheless, though my necessity was as superior to Lord Durham's, as in rank, station, education, and diplomatic experience, I was his Lordship's inferior—and although, after all, there was nothing illegal in my dismissing a Judge for the very reason for which Her Majesty's Government dismissed a chief justice—yet Her Majesty's Government voted for an Act of Parliament to indemnify Lord Durham, and publicly reversed and discountenanced my Act, which was identical with their own!

Her Majesty's Government have, it cannot be denied, full power to direct in the North American Colonies whatever policy they may think proper; but I again respectfully maintain, that they cannot carry on two conflicting policies at the same time, by declaring that in Lower Canada an illegal act *ought to be*, and that in Upper Canada, *it cannot be* justified by necessity.

Without any wish to offend, or even to upbraid

Her Majesty's Government, I beg leave to state to your Lordship, that I feel very deeply, it would have been better (to use your Lordship's own words) for Her Majesty's Government to have recalled me at once from the government of Upper Canada, than to have weakened, impaired, and undermined my authority, until it fell prostrate to the ground—that by having conferred powers on me, without giving me confidence for the exercise of them, Her Majesty's Government laid a trap for me, from which it was impracticable for me to escape—that her Majesty's Government acted, therefore, unjustly towards me, in removing me from a permanent appointment, to one which almost immediately they made it impossible for me to maintain ; and lastly, that leaving my own interests and feelings completely out of the question, it is *as disheartening to the loyal population of her Majesty's North American Colonies, as it is encouraging to their republican opponents,* to observe, that while Lord Gosford, (who was obliged by Her Majesty's Government to try the fatal experiment of conciliating the republicans,) has been, I rejoice to observe, most graciously received and rewarded by his Sovereign, I, who returned to England simultaneously with his Lordsip, have not, by a single audience, been even honoured by an opportunity of most humbly assuring Her Majesty of the loyalty of the people of Upper Canada—of their devotional attachment to the British throne—of their

admiration of the British Constitution—and of their unalterable detestation of those republican principles, which have created before their eyes on the Continent of America a vulgar mob-tyranny, under which neither life nor property are secure.

My Lord, I do not expect that your Lordship can find time even to consider the few arguments which are contained in this communication, and which I assure your Lordship explains but a part of the wrongs which I consider I have received from Her Majesty's Government, but I trust that your Lordship, taking into consideration how unwilling I have been factiously to embarrass Her Majesty's Government, and how patiently I have waited for redress, will pause before you refuse the request which I now respectfully make to your Lordship, which is, that your Lordship would be pleased to allow me, either before the Privy Council—before the Judicial Committee thereof—or before a Committee of such members of the Government as it may be deemed by it advisable to select, an opportunity of convincing your Lordship by their report, that Her Majesty's Government has unjustifiably wronged me.

If it should be reported to your Lordship that I had failed in substantiating this allegation, your Lordship would have the satisfaction of reflecting, that you had granted to me the opportunity I had demanded. If, on the other hand, I should succeed in substan-

tiating my accusation, my opinion of your Lordship leads me to believe, that your Lordship would rejoice, rather than regret, that a truth which affected the character of your Lordship's administration was no longer concealed from your knowledge.

I have the honour to be,
My Lord,
Your Lordship's most obedient
Humble Servant,
(Signed) F. B. HEAD.

The Lord Viscount Melbourne, &c. &c.

In reply to this communication, Lord Melbourne, in a note marked "Private," declined to accede to the requests I had made.

CHAPTER XIII.

A few Observations on three or four Paragraphs in the "Report on the Affairs of British North America from the Earl of Durham, Her Majesty's High Commissioner, &c. &c. &c.,"
(Presented by Her Majesty's command to both Houses of Parliament.)

It has been strenuously urged against Lord Durham that his Lordship, in reporting "on the affairs of British North America," was not justified in assailing my by-gone policy and conduct. If his Lordship's attention had by Her Majesty been merely directed to the administration of the government of *Lower* Canada, his public censure on my conduct would certainly, to say the least, have been unnecessary; but as his Lordship's mission had in view the much higher object of adjusting what is commonly termed the disordered state of our North American provinces, it surely cannot, by any unprejudiced man, be denied that Lord Durham could not safely legislate for the future tense of life without not only attentively observing the present, but without also calmly reflecting on the past; for it is by the protruding masts of vessels which have sunk that the cautious mariner first learns to avoid the hidden rocks upon which they have foundered.

I conceive, therefore, that Lord Durham was not only perfectly justified, but that his Lordship per-

formed no more than his duty in investigating the policy which, as Lieutenant-Governor of Upper Canada, I had pursued, and in reporting to Her Majesty, perfectly regardless of my feelings, whatever might be his opinion on the subject; and I must go still further and say, that however captivated a public man may be with his own conduct, he has no right even to feel offended at the honest disapprobation of it which a superior officer in the performance of a painful and arduous duty may feel it necessary to pronounce.

But though I claim this freedom of action for Lord Durham, I submit that there existed in his commission no clause authorizing his Lordship to rebuke any one by incorrect assertion.

As the tie which once connected me with Upper Canada has been severed, it is not my duty, it is not my inclination, nor do the present limits permit of my replying to all the allegations against the Legislature and the people of Upper Canada which are contained in his Lordship's report. I propose only to make a few observations on those three or four paragraphs which are especially directed against myself, and on one or two others of a more general nature.

1. "*Proceedings of Sir Francis Head.*"

This paragraph commences by reporting to Her Majesty as follows :—

"Such was the state of parties when Sir Francis Head,

on assuming the government of the colony, dismissed from the Executive Council some of the members who were most obnoxious to the House of Assembly, and requested three individuals to succeed them."

This statement is, I beg to say without offence, exactly a reversion of the truth, which was (vide my despatch, No. 9, page 56), that the three individuals, named by Lord Durham, requested *me* to dismiss "the members who were most obnoxious to the House of Assembly," that I resolutely *refused* to dismiss them, and that accordingly they were *not* dismissed.

Lord Durham's Report, after truly narrating that I afterwards *added* three reformers to the Council, reports to Her Majesty that—

"Among the first acts of the Governor, *after the appointment* of this Council, was, however, the nomination to some vacant offices of individuals, who were taken from the *old* official party, and this without any communication with his Council. These appointments were attacked by the House of Assembly, and the new Council, finding that their opinion was never asked upon these or other matters, and that they were seemingly to be kept in ignorance of all those public measures which popular opinion, nevertheless, attributed to their advice, *remonstrated privately* on the subject with the Governor. Sir Francis *desired them to make a formal representation to him on the subject;* they did so, and this produced such a reply from him, as left them no choice but to resign. The occasion of the differences which had caused the resignation was made the subject of communication between the Governor and the

Assembly, so that the whole community were informed of the grounds of the dispute."

The whole of the above is a tissue of unintentional errors. The unpopular appointment to which Lord Durham in the plural number has alluded, was in favour of a *new settler;* it had been made by me not only *by* the advice, but solely at the suggestion of the leading member of my old Council before the three reformers were added to it.

The new Council, who were only in my service a fortnight, *never once* remonstrated with me on that or on any subject till I officially received their public document, which (vide my despatch, No. 15, page 72), emanated entirely from themselves *without my knowledge or suggestion.* Lastly, the communication from the House (which is before the reader) see page 66, was from the Assembly to *me*, and not from me to *it.*

Lord Durham's Report to the Queen proceeds as follows:—

"The contest which appeared to be thus commenced on the question of *the responsibility of the Executive Council* was *really* decided on *very different grounds.* Sir F. Head, who appears to have thought that the maintenance of the connexion with Great Britain depended upon his triumph over the majority of the Assembly, embarked in the contest with a determination to use every influence in his power in order to bring it to a successful issue. He succeeded, in fact, in putting the issue *in such a light* before the province, that a great portion of the people *really* imagined that they

were called upon to decide the question of separation by their votes."

The following extracts from my replies to the Addresses I received from 28,188 people before the elections took place, will, I trust, without a comment, clearly show whether or not Lord Durham was perfectly justified in reporting to Her Majesty that in order to gain the elections I had placed the subject of dispute before the inhabitants of the province disingenuously.

No. 1.

Extract from "Reply to the Address of the Inhabitants of the District of Johnstown."

GENTLEMEN,

I need hardly say that it affords me consolation to observe from your address, that the yeomanry and farmers of Upper Canada, instead of allowing other people to think for them, have been at last driven to the necessity of judging for themselves of the serious events which have lately passed before their eyes.

In the mother-country I have invariably found, that when the yeomanry are once aroused from their lethargy, in which they are too apt to remain, their sturdy opinion forms one of the most correct verdicts in the land, and confidently believing that such will prove to be the case in this province, I beg to ask those yeomen and farmers of the Johnstown district, whose names are subscribed to the documents I have just received, the following plain questions:—

What necessity has there been for this general disturb-

ance throughout Upper Canada *about a responsible Executive Government?*

Have I not evidently, to the best of my ability, endeavoured calmly to explain, not only to the Legislature, but to the inhabitants of this province, my reasons for declining to surrender to my late Executive Council that power and patronage which is the prerogative of the Crown?

Has the language which so unnecessarily has assailed me diverted me from my declared determination to govern and be governed by reason?

Have I once rebuked it by an intemperate expression?

While I was resolutely defending your constitution, which is the sacred charter of your freedom, did I not repeatedly declare that, in case I was wrong, there existed, above us all, a high tribunal, to which I was ever ready to bow?

Why, I ask, was not that offer accepted?

What necessity was there for my opponents to promulgate during the discussion, that their grand object was "To stop the supplies?"

What was the use of paralyzing the country by so cruel a remedy?

Did they think that despair and poverty could explain what reason and argument had failed to substantiate?

Can any three professional gentlemen of Toronto, intently occupied in their own petty interests, presume to offer to Upper Canada the powerful protection, and parental assistance which our Sovereign can bestow upon this young growing country?

Is the loyalty of this portion of the British Empire to bow before *a self-constituted triumvirate,* merely because it declares that no responsibility is trust-worthy but its own?

Gentlemen, I have no reply to offer to these questions, but commit them to your own calm judgment and good sense?

No. 2.

Extract from "Reply to the Address of the Mayor and Common Council of the City of Toronto."

The constitution of this province is the sacred charter of the land; and it is no less my duty than the interest of its inhabitants that I should firmly maintain it, as I ever will, inviolate.

If that charter constitutes a "*Provincial Ministry*" it need only be shown to me to be secured; but I deliberately repeat, that it contains the creation of no such a power, and in my opinion, were it to be now created, it would be productive of the most vicious effects; for if the power and patronage of the Crown were to be delivered over to a tribunal sworn to secrecy, they would very soon fall into the hands of a few metropolitan families, who might possibly promote their own views to the rejection of the interests of the distant counties; whereas, while these powers continued invested in the individual appointed by His Majesty to be the Lieutenant-Governor of this province, he (being a stranger) can have neither interest nor inducement to abuse them.

No. 3.

Extract from "Reply to the Address of the inhabitants of the City of Toronto."

I have no wish to deny "that in the British constitution the King is assisted in all the affairs of Government by the advice of known and responsible councillors and officers who possess the confidence of the people, and who form His Ma-

jesty's Cabinet." But Colonel Simcoe, who, you yourselves state, "was authorised undoubtedly by His Majesty's Government to declare to His faithful subjects in this province the nature of the Constitution" *created no such cabinet, nor any cabinet at all;* and from his day, down to the present hour, there has never existed any ministry in the colony except the Governor, who is himself the responsible minister of the Crown.

* * * * * *

The yeomen and industrious classes of Upper Canada should never allow a single letter to be subtracted from or added to the great charter of their liberties; for if once they permit it to be mutilated, or what may be termed *improved,* they and their children become instantly liable to find themselves suddenly deprived of their property, and, what is better than all property, of their freedom and independence.

By this Act you are of course aware that a House of Assembly, a Legislative Council, and a Lieutenant Governor are appointed; *but it creates no Executive Council; and if people tell you that it does, read the Act, and you will see the contrary.*

No. 4.

"*Reply to the Address of the Inhabitants of the County of Hastings.*"

GENTLEMEN,

In return for the Address which I have just received from you, I assure you that I will continue firmly to uphold and support the best interests of your agriculturists and of your province, and that never will I allow either the one or the other to be placed under the irresponsible domination of *a Toronto ministry.*

No. 5.

Extract from "Reply to the Address of the Grand Jury of the Home District."

If that noble charter had not existed, there can be no doubt but that the representative of His Majesty would have been overcome, and that the inhabitants of Upper Canada would now be under the ignominious tyranny of *a secret metropolitan "Cabinet;"* but your constitution has proved to be impregnable, and at this moment no people bewail the fact more keenly than those who have lately been nearly crushed in their endeavours to undermine it.

No. 6.

Extract from "Reply to the Address of the Inhabitants of the Town and Township of Kingston."

It therefore only remains for me to beg you to assure them I feel most deeply the confidence they repose in me; and that so long as I shall remain His Majesty's representative in this province, I will never allow them to be unconstitutionally subjected *to the arbitrary domination of an irresponsible, secret, and self-constituted "Cabinet."*

No. 7.

Extract from "Reply to the Address of the Inhabitants of the District of Ottowa."

The falsest reports are daily invented, and at great expense are circulated all over the province, in order if possible still to delude and agitate the public mind: for instance, it has been stated that I wish to establish tithes—that I am concocting plans for making the people of Upper Canada slaves, &c. &c. &c.

Gentlemen, my plans and projects are all contained and published in the instructions which I received from the King. They desire me to correct, without partiality, the grievances of this country; and it is because the agitators see I am *determined* to do so that they are endeavouring to obstruct me by every artifice in their power. They declare me to be their enemy, and the truth is, *I really am.*

As her Majesty's Government were in possession of printed copies of all these replies, they surely ought at least to have produced them in my defence when they submitted, by command of the Queen, to both Houses of Parliament, Lord Durham's charge against me, that I had gained the elections disingenuously.

Lord Durham, in informing Her Majesty what the feelings of the people of Upper Canada were *previous* to these elections in 1836, states—

"Above all, not only they, but a great many others, had marked with *envy* the stupendous public works which were at that period producing their effect, in the almost marvellous growth of the wealth and population of the neighbouring state of New York."

Far from entertaining these feelings of *envy*, the people of Upper Canada rejected at the elections seven out of the thirteen American members who had previously sat in the House of Assembly; and the whole result of the contest, as well as the repeated defeats which the American sympathisers have suffered during the last two winters, have proved

how cordially I was supported in the assertion I openly made "that the people of Upper Canada *detest democracy*."

Lord Durham thus proceeds to inform the Queen:

"The general support of the British determined the elections in favour of the Government; and though very large and close minorities, which in many cases supported the defeated candidates, marked the force which the Reformers could bring into the field, even in spite of the disadvantages under which they laboured from the momentary prejudices against them, and *the unusual manner in which the Crown, by its representative,* appeared to make itself a *party in an electioneering contest,* the result was the return of a very large majority hostile in politics to that of the late Assembly."

Before the elections commenced I gave such replies as I thought proper to the different Addresses I received; but in order that the country should clearly see that I was determined *not* "to make myself a party in an electioneering contest," I gave the following reply to the seven following Addresses, two of which, from very influential bodies, arrived at Government House a day or two only after the election could legally commence.

List of Addresses just referred to.

1. Wesleyan Methodist Conference. (Signed by order and in behalf of the conference. William Lord, President. William Case, Secretary.)

2. United Synod of Upper Canada. (Signed in name, presence, and appointment of synod. C. Nicholl, Moderator; William Smart, Clerk of United Synod.)

3. Gananogue and its vicinity.
4. Ramsay.
5. Warwick.
6. Goderich.
7. Township of Nepean.

Reply in Writing delivered to each of the above.

" Gentlemen,—*As the elections have commenced,* I must decline giving any other reply to the address which I have just received from you, than merely to acknowledge its receipt."

I may add, that, besides this precaution, I gave orders to all my attendants, as well as to all the clerks in the government office, to abstain from contributing to the subscriptions which were set on foot by the constitutionalists, in order to refute the calumnies published by the republicans. I also desired the Adjutant-General to promulgate that I would suspend all militia promotions, or dismissals,* until the elections were concluded.

2. *Real Result of Sir F. Head's Policy.*

In informing the Queen of " *real results*" which had happened two winters before his Lordship's arrival in North America, Lord Durham deems it advisable to describe in the following terms the members I had appointed to my Executive Council :—

" It may, indeed, be fairly said, that the real result of Sir F. Head's policy was to establish that very administrative influence of the leaders of a majority in the Legislature which he had so obstinately disputed. The Executive

* See page 225, line 4.

Councillors of his nomination, who seem to have taken office almost *on the express condition of being mere ciphers,* are not, in fact, then, the real government of the province. *It is said* that the new officers of government whom *Sir F. Head* appointed *from without the pale of official eligibility* feel more apprehension of the present house than, so far as can be judged, was ever felt by their predecessors with regard to the most violent of the reforming Houses of Assembly. Their apprehension, however, is not confined to the present house: they feel that, *under no conceivable contingency, can they expect an Assembly disposed to support them;* and they accordingly appear to desire such a change in the colonial system as might make them dependent upon the Imperial Government alone, and secure them against all interference from the Legislature of the province, whatever party should obtain a preponderance in the Assembly.

Whether Lord Durham is justified in designating the Executive Council whom I appointed as "*mere cyphers*" shall shortly appear; but, abandoning that point for a moment, I hasten to vindicate before the public the characters of four gentlemen whom Lord Durham (notwithstanding his admiration of the United States, where "all men are said to be born equal,") has designated to Her Majesty as having been "appointed by Sir F. Head from *without the pale of official eligibility*"!

The gentlemen alluded to by his Lordship are as follows:—

1st. The Honourable Robert Baldwin Sullivan (lately elevated to the Legislative Council *by the*

recommendation of Sir George Arthur). This gentleman, far from being one of those native Canadians designated by Lord Durham as the "family compact," belonged to a family who had emigrated from Ireland—his father was not living—he had no brother holding any public station—his nearest connexions were the family of Dr. Baldwin, the chairman of the Alliance (republican) Society. He had received a good classical education—was a man of very superior talents—one of the leading members of the bar, and of irreproachable character. His wife was the daughter of Colonel Delatre, late quarter-master-general at Ceylon.

2d. The Honourable William Allan, a native of Scotland, was, at the time I appointed him to my council, one of the oldest members of the Upper House of the Legislature. He is a retired merchant of the first respectability, opulent, and possessed of large landed property. For forty years he has successively enjoyed the confidence and respect of every Lieutenant-Governor of the province; and being also well known in England, he was solicited by the association of London merchants directing the Canada Company (to whom I beg leave to refer) to take charge of their interests in that country In consequence of his high character he remained President of the Bank of Upper Canada, by annual election, from the time of its establishment till he voluntarily retired, when he received from the share-

holders, without political distinction, a very splendid piece of plate, as a testimonial of their high gratitude and respect. I beg to say that with a more high-minded man than Mr. Allan *I* have never associated.

3rd. The Honourable John Elmsley, Lieutenant of the Royal Navy (*vide* his gallant conduct in the capture of the Caroline, page 381), is the son of a former chief justice of Upper Canada, from whom he inherited a large property in the province, and nephew of the late Admiral Sir Benjamin Hallowell. He had, before I appointed him, for *many* years been a member of the upper branch of the Legislature, and had also formerly been for many years a member of the Executive Council, from which he had voluntarily retired under the administration of Sir John Colborne. Mr. Elmsley is a very zealous member of the Roman Catholic Church, which, according to Lord Durham's report, does not possess any portion of the patronage of the province.

4th. The Honourable Captain Baldwin had also, before I appointed him to the Executive Council, been for many years a member of the Legislative Council.

He was a retired post-captain in the British navy, highly respected in his profession, and although he was the brother of Dr. Baldwin, the chairman of the Alliance or Republican Association, his loyalty and his mild, amiable disposition formed the conspi-

cuous features of a character which by all parties was esteemed.

5th. The Honourable W. Draper, Her Majesty's Solicitor-General, who, at the time I appointed him to my council, *represented in the provincial parliament the metropolis of Upper Canada,* is a well-educated English gentleman, of amiable and irreproachable character, highly respected, and a prominent member of the Society of Upper Canada; in point of talent one of the leading members of the bar.

To the above description of these five gentlemen, who are reported to Her Majesty by Lord Durham as having been "*appointed by Sir F. Head without the pale of official eligibility,*" I beg leave to add that they continue to form to this day the Executive Council of Upper Canada. A new Lieutenant-Governor, of much colonial experience, has, since my departure from the province, had an opportunity of estimating their character and worth. In the correspondence laid before Parliament by Her Majesty's Secretary of State, it will be seen that Sir George Arthur speaks, as I always spoke of these gentlemen, in terms of the highest confidence and respect.

With respect to Lord Durham's report to the Queen, that my executive council "seem to have taken office almost *on the express condition of being mere ciphers,*" I beg leave most solemnly to declare

that such a condition was neither expressed nor understood.

Although I maintained the important constitutional maxim that *I* and not *they* were responsible to Her Majesty and to Parliament for any misconduct *I* might pursue, yet I was too happy to receive from them their counsel and advice. The journals of the Executive Council will show that on all important subjects I consulted them—on no serious question did I ever dissent from their advice, on the contrary, to upwards of 2,000 written opinions which I received from this council, I subscribed my initials *to all excepting two*, and on those two they yielded to the reasons I mildly sumitted to them.

Besides officially convening them as I have described, I issued a standing order, which was never deviated from, namely, that however crowded the waiting room of Government House might be with people wishing one after another to speak to me, the executive councillors were the moment they entered to take precedence of all, and that they were to have the privilege (which they invariably exercised) of walking at once into my presence at any hour they chose.

I lived with them in the greatest possible confidence and harmony, and I left them full of gratitude for the manly opposition with which they invariably disputed any proposition of mine which they considered to be objectionable.

As far as regards any censure which Lord Durham may have gravely expressed to Her Majesty concerning *me*, I have no desire to trouble his Lordship on this subject; but after the explanation which I have afforded of these respectable gentlemen, I cannot but express my sincere conviction, that Lord Durham will never rest satisfied in his own mind, or will ever attempt to address to the House of Lords one word on the subject of the Canadas, until he has publicly repaired the error he has unintentionally committed, in designating gentlemen who have faithfully served, and who, under difficult circumstances, are still faithfully serving their country, as having been selected "*from without the pale of official eligibility*" and as having "taken office *almost on the express condition of being mere ciphers.*"

3. As regards the new House of Assembly, and myself, Lord Durham, with equal severity, thus expresses himself to the Queen :—

"I say this, without meaning to cast any imputation on the members of the House of Assembly, because, in fact, the circumstances under which they were elected were such as to render them peculiarly *objects of suspicion and reproach to a large number of their countrymen.*

"They were *accused of having violated their pledges* at the election. *It is said* that many of them came forward, and were elected, as being really reformers, though opposed to any such claims to colonial independence as might involve a separation from the mother country. There seems to be no doubt that in several places, where the Tories succeeded, the electors were merely desirous of returning

members who would not hazard any contest with England, by the assertion of claims, which, from the proclamation of the Lieutenant-Governor, they believed to be practically needless; and who should support Sir F. Head in those economical reforms which the country desired, far more than political changes—reforms, for the sake of which alone political changes had been sought. In a number of other instances, too, *the elections were carried by the unscrupulous exercise of the influence of the Government,* and by a display of violence on the part of the Tories, who were emboldened by the countenance afforded to them by the authorities. *It was stated,* but I believe without any sufficient foundation, that *the Government made grants of land* to persons who had *no title* to them *in order to secure their votes.*

" This report originated in the fact, that patents for persons who were entitled to grants, but had not taken them out, were sent down to the polling places to be given to the individuals entitled to them, if they were disposed to vote for the government candidate.

" The taking such measures, in order to secure their fair right of voting to the electors in a particular interest, must be considered rather as *an act of official favouritism,* than as an *electoral fraud.*

" But we cannot wonder that the defeated party put the very worst construction on acts which gave some ground for it; and they conceived, in consequence, a strong resentment against the means by which they believed that *the representative of the Crown had carried the elections,* his interference in which in any way was stigmatized by them as a gross violation of constitutional privilege and propriety.

" It cannot be matter of surprise that such facts and

such impressions produced in the country *an exasperation*, and a despair of good government, which extended far beyond those who had actually been defeated at the poll."

As the House of Assembly of Upper Canada is constitutionally able, calmly and temperately, to speak for itself, I will merely, as regards these serious allegations, declare that Lord Durham, in reviving the accusation which Mr. Joseph Hume and Dr. Duncombe two years ago made against me to Lord Melbourne, has unintentionally made to the Queen mis-statements which the evidence and documents printed by order of the House of Commons on the 3d May, 1837, unanswerably disprove.

With respect to the allegation affecting my own character, namely, that " the elections were carried by the unscrupulous exercise of the influence of the government," I beg leave calmly but unequivocally to deny it; and to add that I am ready to support my denial by recorded proofs, which (after the same revolting charge brought against me by Mr. Hume and Dr. Duncombe had been strictly investigated) Her Majesty's Secretary of State for the Colonies referred to in the following despatch, which has been printed and published in Upper Canada.

" Downing-street, 17th April, 1837.

" Sir,—I have received your despatch, dated the 4th of February (No. 7). It reached me on the 20th ultimo. It was not until the 7th instant that I received, by a subsequent conveyance, the Appendix, comprising the evidence

taken before the committee of the House of General Assembly of Upper Canada, to which was referred my correspondence with you on the subject of the petition presented to the House of Commons by Dr. Duncombe in the Parliamentary Session of 1836.

"The refutation of Dr. Duncombe's charges is entirely satisfactory. It has been in the highest degree gratifying to me to be able to report to His Majesty, that after a minute and vigorous inquiry, during which every facility was given to the petitioner to substantiate his accusation, your conduct, in reference to the elections, has been proved to have been governed by a strict adherence to the principles of the constitution.

"I have the honour to be,

"Sir,

"Your most obedient servant,

(Signed) "GLENELG.

"Lieut.-Governor Sir Francis Head, K.C.H."

Her Majesty's Government having this proof *bearing their own signature* of my innocence in their possession, ought, I think, to have at least admitted it among the bulky documents which they submitted to Parliament with Lord Durham's allegation.

Lord Durham next informs the Queen that the Assembly, instead of supporting the Governor, *compelled his obedience to itself*, and produced no change in the administration of affairs, except that of re-instating the "*family compact*" in power.

As the reader will have perused, in preceding pages, the gratifying addresses with which, at the close of two arduous sessions, the speaker of the

House of Assembly voluntarily accompanied the vote for supplies, he will probably be no less surprised than I am, at learning from Lord Durham that the House had failed to support me.

It would not be difficult to proceed with the whole of Lord Durham's report on Upper Canada as I have commenced, but as I have no desire unnecessarily to hurt his Lordship, and as I have sufficiently shown its inaccuracy, to vindicate my own character from its attacks, I will merely notice, by a few concluding observations, one or two topics in which I individually have neither interest nor concern.

After impugning the characters of the Lieutenant-Governor, of the Executive Council, of the Legislative Council, and of the members of the House of Assembly, Lord Durham, not satisfied with resting his grievances on them, humbly submits to Her Majesty a new subject of complaint which throughout his report is termed "THE FAMILY COMPACT." "Successive Governors," says his Lordship, "as they came in, in their turn *are said* to have either submitted quietly to its influence, or after a short and unavailing struggle to have yielded to this well-organized party the real conduct of affairs."

In a monarchical form of government, like that of Upper Canada, composed of a legislature of three branches, one of which contains the sturdy representatives of the people, it would be difficult to comprehend how this fourth power could possibly

manage to exist, and what could possibly be its elements, unless the mystery had been thus explained by his Lordship :—

"The bench, the magistracy, the high offices of the episcopal church, and a great part of the legal profession, are filled by the adherents of this party: by grant or purchase they have acquired nearly the whole of the waste lands of the province; they are all-powerful in the chartered banks, and, till lately, shared among themselves almost exclusively all offices of trust and profit. The bulk of this party consists, for the most part, of native-born inhabitants of the colony, or of emigrants who settled in it before the last war with the United States; the principal members of it belong to the Church of England, and the maintenance of the claims of that Church has always been one of its distinguishing characteristics."

It appears, then, from Lord Durham's own shewing, that this "FAMILY COMPACT," which his Lordship deems it so advisable that the Queen should destroy, is nothing more nor less than that "social fabric" which characterizes every civilized community in the world. It is that social fabric, or rather fortress, within which the British yeoman, farmer, and manufacturer is enabled to repel the extortionate demands of his labourers; and to preserve from pillage and robbery the harvest of his industry after he has reaped it!

"The bench," "the magistrates," "the clergy," "the law," "the landed proprietors," "the bankers," "the native-born inhabitants," and "the supporters

of the Established Church," form just as much "*a family compact*" in England as they do in Upper Canada, and just as much in Germany as they do in England. If Lord Durham proposes not only to make the legislature of Upper Canada responsible to what he calls "*the people*," but to level to the ground our social fabric, why, I beg leave, without offence, to ask, instead of dedicating his Report to Her Majesty, did not his Lordship on his landing, at once summon a National Convention, and place it in the hands of "*the people*?"

The "*family compact*" of Upper Canada is composed of those members of its society who, either by their abilities and character have been honoured by the confidence of the executive government, or who, by their industry and intelligence, have amassed wealth. The party, I own, is comparatively a small one; but to put the multitude at the top and the few at the bottom is a radical reversion of the pyramid of society which every reflecting man must foresee can end only by its downfall.

There is continually repeated in the Report one other observation, which, as Lord Durham has stated it, appears so unanswerable, that I will endeavour to explain the subject, especially as most travellers have agreed in the conclusions which Lord Durham has arrived at.

In offering examples of "the results of long misgovernment," his Lordship states :—

" There is one in particular which has occurred to every observant traveller in these regions, which is a constant theme of boast in the states bordering upon our colonies, and a subject of loud complaint within the colonies,—I allude to the striking contrast which is presented between the American and the British sides of the frontier line in respect to every sign of productive industry, increasing wealth, and progressive civilization.

" By describing one side, and reversing the picture, the other would also be described. On the American side all is activity and bustle. The forest has been widely cleared; every year numerous settlements are formed, and thousands of farms are created out of the waste; the country is intersected by common roads; canals and railroads are finished, or in the course of formation; the ways of communication and transport are crowded with people, and enlivened by numerous carriages and large steam-boats. The observer is surprised at the number of harbours on the lakes, and the number of vessels they contain; while bridges, artificial landing-places, and commodious wharfs are formed in all directions as soon as required. Good houses, warehouses, mills, inns, villages, towns, and even great cities, are almost seen to spring up out of the desert. Every village has its school-house and place of public worship. Every town has many of both, with its township buildings, its book-stores, and probably one or two banks and newspapers; and the cities, with their fine churches, their great hotels, their exchanges, court-houses, and municipal halls, of stone or marble, so new and fresh as to mark the recent existence of the forest where they now stand, would be admired in any part of the Old World. On the British side of the line, with the exception of a few favoured spots, where some

approach to American prosperity is apparent, all seems waste and desolate. There is but one railroad in all British America, and that, running between the St. Lawrence and Lake Champlain, is only fifteen miles long."

From the very little I have seen in twice passing through the United States, I should say that the above picture is that which an American rather than an English writer would be expected to delineate; but, admitting it to be perfectly correct, I submit to the judgment of the reader that the difference has hitherto been attributed by travellers altogether to a wrong cause.

The rapid growth of a young colony must almost be witnessed to be believed; and accordingly, in the United States, the age of the settlement, and not its fertility, is the general criterion of its wealth.

There was, of course, a time when the United States formed but a portion of the dense forest of America; but, animated by British blood, these colonies grew so rapidly that, in the year 1776, they had attained a strength sufficient not only to take leave of their parent state, but successfully to contend with it.

However, while *they* had attained this degree of strength, the province of Upper Canada, which is as large as England and Wales, was a cheerless wilderness—without a single white inhabitant, excepting a few soldiers in the fort at Kingston, and about twenty French families who had crossed over

the Detroit river to settle on the British shore: there existed, consequently, *then*, a much greater contrast between the United States and Upper Canada than there exists *now*.

But let us consider for a moment what is the progress which Upper Canada has made:

In the year	1784	its settlement began.	
,,	1791	its population was	10,000
,,	1809	,,	60,000
,,	1812	,	70,000
,,	1822	,,	126,000
,,	1828	,,	240,000
,,	1837	,,	396,000
,,	1839	,,	450,000

Total age, 55 years. (The age of the United States being upwards of 200 years!)

In no one of the United States has a public work equal to the Welland Canal been carried through by a country so young and so thinly inhabited.

The same may be said of the St. Lawrence Canal, which, in execution and grandeur of design, is perhaps superior to any in the United States. (These two works were strenuously opposed by the reform party, as the journals of the Legislature will show.) Besides these, the Rideau Canal, which, though constructed by the parent government, is not on that account the less useful to the province, forms an artificial navigation of 120 miles, connecting, in fact, the Atlantic with Lake Ontario. This canal is un-

deniably the best executed work on the continent of North America.

Besides these undertakings, there have been created the Niagara Dock, the Burlington Bay Canal, and Desjardines Canal; also the Harbour of Coburg, Port Hope, Oakville, Port Credit, Toronto, Grand River, Port Dalhousie, Port Stanley, &c. Now, instead of upbraiding a healthy young British colony merely on account of its youth and poverty, if our travellers would but take the trouble to observe how hard the backwoodsman is toiling, and what affectionate exertions the little community is everywhere making to copy the picture of its beloved mother-country, instead of trying to poison its contentment by unfairly comparing it with a portion of America that has attained the strength of manhood, they would, I think, be as much astonished as I have been, were they attentively to observe how much has been done in so short a time, and how, under the blessing of God, this land has prospered!

But, although it is true that the inhabitants of Upper Canada are poorer in purse than "*the people*" of the United States, yet, if the moral picture be considered, it is beyond all description in our favour.

Assassination is unknown—the bowie knife is not to be purchased—the laws are respected—religion is revered—public treaties are preserved; and nothing can be more true than that even (borrowing Lord Durham's words) if this picture "were to

be reversed," and the British institutions of Upper Canada were to be destroyed, the gloomy forests would still remain to be cleared—the sweat of the British settler would still drop from his brow.

Although Lord Durham has apparently deemed it beneath his notice to bring before the consideration of the Queen the unparallelled sufferings of her Canadian subjects, yet I firmly believe that a paragraph on that subject would not by Her Majesty have been deemed the least acceptable portion of his Lordship's voluminous report.

Although but little versed in history, I firmly believe it nowhere contains a more affecting picture than has been exhibited to the civilized world for the last two years, by the brave resistance which a small British population has been making against the unprincipled attacks by which the Americans, have endeavoured to force upon them republican institutions. The instances of individual courage that could be detailed are innumerable, while on the other hand the conduct of the assailants has been stamped by cruelty and cowardice. I must own, that when I daily think of the number of our soldiers who have untimely fallen—of the manner in which Colonel Moodie, Lieut. Weir, Lieut. Johnson, Staff-surgeon Hume, have been butchered and mutilated, of the privations and losses the people of Upper Canada have patiently endured ; and when, on the other hand, I reflect that, on the last invasion at Sandwich, a

body of American sympathizers escaping into our woods, remained there starving from hunger and cold —not daring anywhere to ask even shelter of those whom they had professed they had invaded to liberate them from the British Government, but wandering through the province until, worn out by the punishment of their guilt, they perished in the forest in such numbers that nineteen corpses were in one spot found frozen to death round the white embers of a fire,— I own that whenever these two pictures come together before my mind, it is filled with astonishment that Lord Durham, with this glaring evidence before him, could deliberately declare to our youthful Queen that the people of Upper Canada are dissatisfied with their institutions—that he could possibly find in his heart to submit a report to Her Majesty without a single word of commiseration of the unexampled sufferings which had afflicted—without a single word of approbation for the gallantry and fidelity which had distinguished—Her Majesty's loyal and devoted subjects in the Canadas, but which on the contrary lauded in well-measured terms the detestable invaders of their soil! But it really seems to me that Lord Durham has looked upon British North America in general, and upon the province of Upper Canada in particular, through a glass darkened.

It is possible that the public authorities whom his Lordship as Her Majesty's High Commissioner has deemed it proper to revile will feel it their duty pa-

tiently to submit to his remarks; but, when it is considered that Parliament may be advised by Her Majesty's Government to *legislate* upon this most mischievous document, I feel it my duty to join with the rest of the community in gravely considering what opportunities Lord Durham has had for forming the astonishing opinions which are propounded in it.

"*It is said*" that his Lordship came up the St. Lawrence in a steam-boat exclusively appropriated to himself and his suite;—that on arriving at Kingston he landed to receive an address, and then proceeded by water to Niagara, where he passed the county-town without receiving the address that was framed for him, or conversing with its inhabitants; —that at the Falls his Lordship remained about four days, part of which time he was unwell, part was devoted to military review, and the greater part in receiving Americans and others who attended his Lordship's levees, balls, and dinners;—that thus intently occupied, he had not time to visit the most interesting part of the Welland Canal, which was within six miles, although his Lordship had offered to procure assistance of £250,000 from Her Majesty's Government;—that in crossing to Toronto, he touched at the termination of the canal in Lake Ontario without inspecting the work;—that at the seat of government at Toronto he spent twenty-four hours, principally occupied with a levee, receiving addresses, and with a state dinner;—that his Lord-

ship then made the best of his way back to Montreal; and that in such exclusive dignity did he travel that he would not allow even the public mail to be taken on board at Cornwall, by which it was delayed a day.

If the above reports be correct, it would appear that his Lordship left Lower Canada only for ten days, during which time he had to travel by water about 1,000 miles.

By promising, "*it is said,*" to procure a grant of £250,000 to make the Welland Canal a prominent work,—that the St. Lawrence should be improved to Montreal,—that the navigation of the Ottawa should be similarly assisted, and by his generous expenditure, his Lordship naturally excited the hopes of the people that these important undertakings would be effected.

As the representative of their Sovereign, Lord Durham had a sterling claim upon their loyalty, which, wherever he went, was paid to him at sight; and as his conduct and demeanour were always dignified, and as he expressed himself with fluent and acceptable elocution, addresses from all quarters were poured upon him. Nevertheless, authorised by the statements made against me in the Report to the Queen, I challenge Lord Durham to lay before the British public *every* address he has received from the inhabitants of Upper Canada, with the fullest information he can give of the number of signatures, or any other explanation; and if they support his representations

of discontent, slander their governor and their legislature, or exhibit that restless desire for change in their constitution which his Report everywhere speaks of, I pledge myself to acknowledge that I am ignorant of the state of Upper Canada, and that his Lordship, in five days' sailing through it, has become better acquainted with the interests and disposition of its people than I am, after having traversed it in all directions, on horseback, and even on foot—after having slept in its forests—mingled with its inhabitants in times of peace and war, and after an actual administration of the government during three sessions of Parliament.

Again, in defence of the Executive Council, who have served their country with so much fidelity and ability, I call upon his Lordship to produce the able document they drew out for him of the state of the province, and if that document (which I have never seen) warrants the description Lord Durham has given of these gentlemen, and if it accords with the sentiments contained in his Report, I will willingly acknowledge that I, instead of his Lordship, have incorrectly estimated their character.

Lastly, I call upon Lord Durham to answer whether, in his place in Parliament, he will venture to declare that the sentiments contained in his Report will not be repudiated by every Lieutenant-Governor in the British North American Colonies; that they will not be repudiated by the whole of the respectable

inhabitants of Upper Canada; and, on the other hand, I ask his Lordship whether, before his country, he will assert that from the most intelligent people of Upper Canada, or from the committee who, with his Excellency Sir George Arthur, had the honour of waiting upon his Lordship in Quebec, he *ever* received that description of the Canadian people, and that admiration of the United States, which are contained in his Report?

Although the preceding Governors and Lieutenant-Governors of the Canadas have formed their estimate of the country and inhabitants by personally visiting them on easy terms; although even his Grace the Duke of Richmond (whose noble memory in the Canadas is deeply respected) rode post through the province just as our country gentlemen fifty years ago used to ride through England; yet I cannot but admit that the halo of glory which everywhere accompanied his Lordship, the "champ de drap d'or" on which wherever he landed he was seen to tread, produced in the Canadas a very favourable effect. Mankind are always led by outward appearance, and I therefore will not deny that as my Lord Durham, surrounded by a brilliant staff, and unprejudiced by the conversation of a single Canadian, ascended the great St. Lawrence, and, traversing the noble Lake Ontario, which is forty miles broad, proceeded to Niagara, the fine hotel of which had been previously cleansed of every visitor, his Lordship's career resembled the

course of a heavenly meteor; but admitting all this, admitting the weight and consideration it very properly obtained for his Lordship, yet as not only the welfare and the very existence of our North American Colonies, but of our interests at home, hang upon the importance due to Lord Durham's Report, I beg leave to say, that, in my humble opinion, under such circumstances his Lordship had not as much means of writing the history of the American and Canadian territories between which he sailed, as poor, blind Lieutenant Holman, R.N., would have possessed, had he socially travelled the same distance by public conveyances.

It therefore becomes necessary for the country soberly to inquire from what sources his Lordship's information has been derived? In the report itself this important fact stands shrouded in mystery; for instead of resting his opinion, verbal or written, upon any recognised authorities, almost every assertion is impersonally expressed by the words "*it is said*," or "*it seems*," or "*it appears*." But I trust Lord Durham will eagerly divulge to Parliament by whom "it is said," to whom "it seems," and to whom "it appears."

It was naturally to be expected that this important fact, on which the whole validity of the Report depends, would have been comprehensively contained in the Appendix, but, on referring to that document, it undeniably appears that his Lordship has most

truly fulfilled the promise made on his landing, namely, "*that he would make disclosures which would astonish both the Parliament and the country ;*" for certainly nothing can be more astonishing to any man than, on opening an Appendix to a Report which in *impersonal* terms asperses the character of the Legislature as well as the public servants of Upper Canada, and which recommends organic changes that may shake the foundation of the British empire, to find that, excepting five pages containing the experienced opinions of Mr. Charles Buller and Mr. R. D. Horner, on the subject of emigration and crown lands, and excepting copies of thirty-five addresses and letters, which his Lordship received, this Appendix, submitted by his Lordship to the Queen, and by order of Her Majesty transmitted to both Houses of Parliament, contains nothing at all but the following subjects :—

State of the Hospitals, Prisons, Charitable Institutions, &c. in Lower Canada.

Report from commissioners for the relief of insane and invalid persons and foundlings in the district of Quebec.

Hopital General de Quebec, 18 Juillet, 1838.

Réponses de la Supérieure de l'Hôpital Général de Quebec aux questions que Louis Massue, ecuyer, commissaire pour le soulagement des invalides et insensés, lui a fait l'honneur de lui adresser.

Hotel Dieu de Quebec, 10 Juillet, 1838.

Le nombre des enfans reçus à l'Hôtel Dieu de Quebec

depuis le 1 Janvier, 1824, jusqu'au 10 Juillet, 1838, inclusivement.

Observations by Sir John Doratt, M.D., on the custody of the insane, and the expediency of a public lunatic asylum.

Proposed alterations in the quarantine rules, by Sir John Doratt, M.D.

Remarks on the quarantine station, Grosse Isle, from its establishment in 1832, by Sir John Doratt, M.D.

Letter from the Rev. H. Sewell to Sir John Doratt, on the state of the gaol of the city of Quebec.

Report of the Quebec gaol association, August, 1838.

Report from Dr. Morrin and Mr. Douglas, on the present state of medical education of Lower Canada.

Suggestions for the establishment of a medical school at Quebec, by Sir John Doratt, M.D.

Rules and regulations for the hospital connected with the school of medicine.

ABSTRACT OF PAYMENTS TO CONVENTS, 1838.

Abstract relative to the payments made by the legislature of the province of Lower Canada, to the several convents established in Quebec, Trois Rivières, and Montreal.

REPORT from L'HOTEL DIEU de Quebec. A Monsieur John Doratt, M.D., inspecteur-général, &c. &c.

Report from Quebec general hospital, July 5, 1838.

ETAT des ENFANS TROUVÉS qui ont été aux soins des sœurs grises, de l'hôpital général de Montreal, pendant le période du 10 Octobre, 1836, au 10 Octobre, 1837.

I. Etat des enfans qui etoient reçus avant le 10 Octobre, 1836, et qui ont continué á être en nourrice.

(Here follow five folio pages, containing a list of these little babies.

In this extraordinary document it is reported to the Queen that none of these babies have surnames, but their Christian names are all inserted, as well as the precise dates at which they were received by "les sœurs grises," the periods they remained with them, and the day of their deaths. Thus it appears that Francois lived two days; Jeanne eight days; Marie Philomene five days; Louis five days; Corneille eight days; Leandre six days; Edouard four days; Maximin only one day; and so on for two hundred and fifty-six little babies!)

Etat des insensés qui ont été aux soins des sœurs grises, de l'hôpital général de Montreal, pendant le période du 10 Octobre, 1836 au 10 Octobre, 1837.

Memorandum by Sir John Doratt, M.D., of the expenses incurred by the legislature of Lower Canada, for the insane, invalid poor, &c., through the convents at Quebec and Montreal.

Memorandum by Sir John Doratt of the expenses incurred by the legislature of Lower Canada for the maintenance and education of poor, and purposes of literature.

When the "disclosures" contained in this Appendix shall have ceased "to astonish the Parliament and he country," will not the public humbly persist in requiring Lord Durham to produce respectable evidence in support of his allegations? Deservedly respected as Lord Durham is, will the British Parliament be satisfied with his Lordship's declarations that "it is said," that "it seems," and that "it appears," that British institutions must be changed; and in lieu of all other explanation will they be satis-

fied with a detailed history, however interesting, of the gaols, lunatic asylums, *sœurs grises* and *enfans trouvés* of Quebec?

Lord Durham's best friends cannot deny that in justice to his unsullied personal reputation his Lordship is bound *positively* to prove the truth of his allegations, lest his Lordship may ere long *negatively* be required to disprove the rumour contained in the following letter which has been addressed to me by a very able, discreet, and highly honourable public servant, namely, the Honourable W. H. Draper, Her Majesty's Solicitor-General for the province of Upper Canada, who it will appear, though declared by Lord Durham to be "without the pale of official eligibility," witnessed his Lordship's departure from the Canadas with feelings of unqualified regret.

(COPY.)

Toronto, 16*th October*, 1838.

MY DEAR SIR FRANCIS,

I know so well the deep interest you feel in all that affects the province, that I do not apologize for again intruding my correspondence upon you.

Notwithstanding that I felt no confidence in the scheme likely to be propounded by Lord Durham for the settlement of our difficulties, I do most sincerely deplore his sudden departure. His visit to Upper Canada, and the cordial assurance he met with of support in any scheme calculated to make

the connexion of this province with Great Britain perpetual, together with the manly and excellent course pursued by the constitutionalists of the Lower Province, has opened his eyes; and he frankly confesses himself a changed man in many important respects. Among other changes he has given up the idea of abolishing the legislative councils. He appears also convinced who are to be relied upon in the province; and sees clearly, and openly avows, that the government of these provinces has been directed by the Colonial Office in ignorance of the true state of affairs. In truth, he has been converted as regards the Canadas, at least to the true and conservative faith; and therefore I regret his departure, though I think he has done right.

I have not the same regret at the loss of his secretary, Mr. Buller, for I do not entertain any favourable expectation from him. He states (as I hear) his opinion that nine-tenths of the people of Upper Canada are disloyal. The mode in which he has acquired the information upon which this opinion is based is somewhat unique. He was taken ill during Lord Durham's visit to the falls, and was left behind at Niagara. While so detained he sent his servant out to converse with everybody he could meet, and from his report he has formed his judgment. This statement as to the mode of ascertaining the opinions of the people Mr. Buller has himself made to several individuals, one of whom repeated it to me, as coming direct from Mr. Buller.

To you, my dear Sir, the province already owes the proof of her sincere attachment to her Sovereign and to her constitution. Persevere till you gain this great good for us, and I will safely prophesy that in Upper Canada—

"*Semper honos nomenque tuum laudesque manebunt.*"

Believe me,
My dear Sir Francis,
Very faithfully,
Your obedient servant,
W. H. Draper.

Of course I only give this letter as I received it; but, as the sentiments contained in Lord Durham's report must soon be gravely discussed, I feel it right, in conclusion, to explain upon what ground my own opinions, which differ so widely from his Lordship's, have been formed.

On my arrival at Toronto I considered that the object of the greatest importance was to make myself as accurately acquainted as possible with the real feelings of the inhabitants of the country.

To attain this information, I accordingly, for the first year, publicly received *any* person, of *any* politics, from *any* part of the province, from eleven o'clock till three, for six days in the week: after the first year, and until the time of the insurrection, I limited this most toilsome duty to three days a-week.

Being desirous that people should *see* I belonged

to no party, I never, from the day I entered Toronto until the receipt of my resignation, *ever* entered any person's house—I never associated with any person; scarcely ever rode with anybody—*never* with a servant; but, when my horse was brought to my door at three o'clock, if business did not detain me, I used to ride by myself (whatever was the weather) for twelve or fourteen miles.

In these moments I occasionally visited some of the log-huts; and, whenever I could, with propriety, avail myself of an opportunity, my disposition led me to converse with those who were variously occupied at their work.

Besides this, I was in the habit of receiving petitions in writing from all parts of the province, on all public subjects.

Putting all I have seen together, I readily admit that all the complaints described in Lord Durham's Report actually exist; but I feel it my duty to add, *that they are the complaints of the small minority with whom I had to contend.* My despatches will strongly corroborate Lord Durham's report that there *is* a desire in Upper Canada to make the Lieutenant-Governor, Executive and Legislative Councils, "*responsible to the people*"—that "the family compact" *is* complained of—that American institutions *are* admired; and I do not presume to deny his Lordship's assertion, "that all the discontented parties, and especially the Reformers of Upper Canada, looked with consi-

derable confidence to his Lordship's mission:" but I can declare to the country that Lord Durham is wrong in attributing these sentiments of discontent to the *majority;* and, though his Lordship has reported to the Queen his opinion of the "*Proceedings of Sir Francis Head,*" "*Failure of Result aimed at by Sir F. Head,*" "*Real Result of Sir Francis Head's Policy,*" and of the consequent "EXASPERATION OF THE PEOPLE," it is my humble opinion, that, if his Lordship were to dare me to ride with him through the British North American provinces, I should very soon have to repeat—

> "But ere we could arrive the point proposed,
> Cæsar cried, *Help me, Cassius, or I sink!*"

It now only remains for me to say that, in reply to the letter dated 18th September, 1838, page 419, which I had addressed to Lord Melbourne, his Lordship, in a note marked "private," declined to accede to the three requests I had made.

As her Majesty's Government thus denied me a private investigation, which I had hoped would have led to a more public discussion, at the expiration of three months I deemed it proper respectfully to address to Lord Melbourne two other letters (which, with his Lordship's answers, have appeared in the newspapers). In the first of these I requested his

Lordship's permission to explain and vindicate my own conduct, by publishing my despatches. In the second I stated, "I beg leave very respectfully to inform your Lordship, that, as her Majesty's Government will not sanction any of my requests, I shall feel myself precluded from publishing my despatches, or from furnishing any one with the numbers or dates of those I am desirous to produce."

Having determined on this course, I faithfully pursued it, and I had actually come to London on purpose to inform her Majesty's Government, (and I had made the same statement to two or three members of each branch of the Legislature,) namely, "that, if any member of either House should ask for my despatches in my name, the Government were authorised by me *unequivocally to contradict the assertion*," when, on opening Lord Durham's Report, I found that, although I had thus obeyed the decision of my late employers almost at the expense of my character—and although I had, on a very important subject, actually been employing myself in writing in their support—her Majesty's Government, without consideration for my feelings, had recommended the Queen to transmit, by her Majesty's command, to both Houses of Parliament, a Report containing allegations against my conduct and character of a most invidious description; and, notwithstanding her Majesty's Government knew perfectly well that, having bound me hand and foot to silence,

I was defenceless, they actually accompanied Lord Durham's Report with their own volume, containing 400 closely printed folio pages, in which not a single line of even those printed documents in their possession, which they knew would vindicate my character, was admitted; and it further appeared, from the newspapers, that, when Lord Durham's allegations against me were officially presented, there was not, among her Majesty's Ministers, one individual who, in either House of Parliament, stood up to utter a single word in my defence.

When these facts came suddenly upon me, I very strongly felt that my allegiance to the Ministry was dissolved; and, on the spur of the moment,* I addressed and published a note to Lord Melbourne, informing his Lordship that I had determined to vindicate *myself*.

A few hours' reflection, however, induced me to reconsider the subject; and, though I had determined, officially, to write no more, I was actually, through a mutual friend, endeavouring to obtain the Government's permission, when I observed, not only that such parts of my correspondence as were necessary for my vindication had been asked for by the Duke of Wellington, granted by Lord Melbourne, and ordered to be printed, but that the Secretary of State for the Colonies, under whom I had served, as

* "Donner und blitzen," said Hatteraik, springing up and grappling with him, "you *will* have it then?"—*Guy Mannering*.

well as another noble lord who had held the same high office, had very liberally concurred in opinion, that the publication of a portion of my despatches was *necessary* for my defence.

Casting all private feeling aside, I can conscientiously declare that, on public grounds alone, I have long felt it would be desirable that my despatches should be allowed at least to neutralize certain opinions respecting the British North American colonies, to which general publicity has been given; but, deeply sensible of the high confidence that had been reposed in me, without uttering to the public a single word of complaint, I saw the supporters of my administration, one after another, degraded—those who insulted me rewarded! Unsupported, unvindicated, I was spoken lightly of by those I was serving—even my gait in writing was, as it proceeded, publicly pointed at by the Government; nevertheless, *I submitted in silence to all;* and I can truly say that, if my Lord Durham's Report had merely been published in the newspapers, I should have taken no more notice of it there than of the ephemeral observations which I have long been accustomed to endure. But, uninfluenced, I hope, by temper, my judgment most explicitly tells me that no loyal subject ought to allow a Report to the Sovereign to be submitted to both Houses of Parliament, by order of a Government who have not only insisted on his silence, but who have also suppressed his

evidence, without rising before the country to vindicate *himself:* for, whatever may be a man's philosophy or forbearance, he ought to be ashamed to say that "*he does not care*" for censure from such a quarter, conveyed in so imposing a form.

On the common-admitted principle of self-defence, I have, therefore, published less than one-sixth (being all that I consider at all important to the public) of the despatches which were originally called for by the Duke of Wellington ; and, having done so, far from pleading that I have yielded to natural feelings, I calmly maintain that (without even reckoning the sanction of the order of the House of Lords, that the despatches requisite for my defence should be printed) I am perfectly justified in what I have done.

The reader is now aware of the serious differences that have existed between her Majesty's Government and myself; and, without the slightest feeling of personal animosity, I commit the subject of our dispute to the public, earnestly hoping that it may be considered only so far as it regards the happiness, prosperity, and protection of the British North American colonies.

SUPPLEMENTAL CHAPTER

TO THE

THIRD EDITION.

Her Majesty's Ministers, after my retirement, persevere in the same fatal system—Extraordinary Despatch from the Colonial Office to his Excellency Sir George Arthur—Observations against the proposal, by her Majesty's Ministers, of the Union of the Canadas—Explanation to the Bishop of Exeter respecting the Clergy Reserves—A few Remarks on a Volume (containing 524 folio pages) of my Despatches lately laid by her Majesty's Government before both Houses of Parliament—Concluding Observations.

THE preceding chapters have, I believe, unveiled to the public the real difficulties which drove Sir John Colborne, Sir Archibald Campbell, and myself from the administration of the colonial Governments to which by our sovereign we had respectively been appointed.

For the sake of history, rather than from any desire either to gratify or irritate the political passions of the day, I feel it a painful duty, in the third edition of this volume, to place on record a few facts and documents which, I regret to say, too clearly prove that, since my retirement, her Majesty's Ministers (who have never for a moment entertained any personal animosity against *me*) have steadily pursued towards the Canadas the same fatal system—that they have evinced the same unalterable determination to weaken the influence of the Crown, to strengthen the democratic power—in short, to subvert (regardless of the opinions and entreaties of almost every respectable inhabitant of our colonies) British institutions on the continent of North America.

After the electors of Upper Canada had constitutionally repudiated from their confidence Mr. Speaker Bidwell and the republican majority by whom he had been supported, one of the first subjects to which the new loyal House of Assembly steadily directed its attention was a despatch from the Colonial Office respecting the regulation of the public lands; and accordingly, after patient deliberation, they brought forward a bill, in which the Commons' House, entirely of its own accord, deemed it advisable to invest in the representative of their sovereign that amount of honourable confidence which dignifies the character of monarchical institutions, and which most particularly facilitates colonial government.

Considering the severe moral conflict in which, unsupported by her Majesty's Government, I had been, and in which I was still engaged, nothing could be of more vital importance to the Crown than this unanswerable proof, even to the mother-country, of the attachment of the Canadian people to British institutions, and of their sensible repugnance to that levelling insatiable desire of the adjoining Republic always to be restlessly transferring, from the executive branch of their legislature to an ungovernable mob, the patronage which, in monarchical institutions, is confidently reposed in the Crown.

The bill, by a triumphant majority, passed through the House of Assembly, as also through the Upper House of the Legislature, and then having been, by the advice of my Executive Council, referred by me to the opinion of the Crown officers, and (their concurrence having been obtained) to the Secretary of State, to receive the Royal assent, her Majesty's Ministers had before them an opportunity of advising the Crown to confirm, in terms of approbation and encouragement, the victory which had thus constitutionally been gained on the continent of America over the advocates of democracy.

Their immense influence, however, as usual, they cruelly threw into the wrong scale; and, as if determined to resist everything that could restore vigour to the exhausted influence of the Crown, and as if determined to seize upon every opportunity of strengthening their own power by courting ephemeral popularity with the mob, they replied to my com-

munication by the following sickening despatch to Sir George Arthur, which, having been laid by his Excellency before the Provisional Legislature, has been just printed by order of the House of Assembly.

Copy—No. 36.

Downing-street, 8th March, 1838.

SIR,

As the bill passed by the Legislative Council and Assembly of the province of Upper Canada, in the session of 1837, entitled " An Act to provide for the disposal of the public lands in this Province, and for other purposes therein mentioned," and reserved by the Lieutenant-Governor for the signification of her Majesty's pleasure, could not by law receive the Royal assent until it should have laid for thirty days on the table of both Houses of Parliament, it was impossible for me to communicate the decision of her Majesty upon that bill during the last year.

The transcripts of the bill having been laid before both Houses early in the present session, and the period fixed by law having expired within which the confirmation of the bill might have been arrested by an Address from either House, her Majesty has been graciously pleased, by an order in Council, finally to enact and confirm this bill.

It is, however, necessary to state that the bill is not exempt from some objections, to which I feel it my duty to draw your attention. The Royal assent to it has been given because the main scope and tenor of the law is in accordance with those principles, on the subject of the settlement of waste lands, which have been maintained by her Majesty's Government since the year 1831, and because, the law having been passed for only two years, the *objectionable clauses* may be readily omitted when the Act shall be renewed, and by due caution in the mean time will not be productive of any serious injury.

The enactments to which I refer are, 1st, that which authorises *the Lieutenant-Governor* to direct reservations of land adjacent to lands about to be sold, in order that such reserves may be freely granted to the purchaser on proof of his residence for five years, and of his having effected certain improvements; and, 2ndly, that which enables *the Lieutenant-Governor in Council* to make private sales to any person to whom a special injury would be done by the public sale of any particular piece of land. *Each of the provisions is liable to the same general abuse. Each of them will invest the Executive Government with the power of*

dealing with this part of the public property in such a manner as to gratify individuals, and convert into a source of favour an administration which should be conducted upon the most rigid principles of open and impartial dealing—upon rules which every purchaser can ascertain, and in which all shall have an equal interest.

Reposing full confidence in the discretion and equity of the local Government, I am yet unable to perceive any sufficient reason why the law should refer to their arbitrement questions which might safely be decided by general and inflexible regulations. You, I am convinced, will be happy to be relieved from this invidious duty, and to be placed beyond the reach of any possible reproach of having employed it unwisely, or with undue favour to any person whatever. So far as these enactments leave you a discretionary authority, in making the reservations and private sales to which they refer, you will, therefore, abstain from availing yourself of that right. When the bill again comes under consideration, you will endeavour to induce the Council and Assembly to receive it with the omission of those enactments; and it would be desirable that you should suggest that, with this alteration, it should be passed for a longer period than two years.

I have the honour to be, &c.

(Signed) GLENELG.

Major-General Sir G. Arthur, &c.

It need hardly be said that the republican members of the House of Assembly of Upper Canada were delighted at the want of confidence, which, in direct opposition to the desire of both branches of their Legislature, her Majesty's Ministers had deemed it proper openly to evince towards the representative of the Crown in Upper Canada; while, on the other hand, the constitutional members, as well as inhabitants, were not only disheartened but disgusted at finding that, by that miserable species of special pleading from which they had so long suffered, their Governor was publicly to be deprived of the patronage which had constitutionally been intrusted to him, under the republican excuse that he might be "*relieved from an* INVIDIOUS *duty, and be placed beyond the reach of any possible reproach* [*by the mob*] *of having employed it unwisely or with undue favour to any person whatever.*"

In England, every plain honest man would look down with contempt upon suspicions and insinuations of this nature, but, in a little remote community, the withering effect upon the Lieutenant-Governor of such unworthy precaution, on the part of the Queen's Ministers, is indescribably prejudicial; for, with the fatal example of a licentious republican government before his eyes, it is impossible for any reflecting inhabitant to compare the systematic manner in which her Majesty's Ministers fetter the legitimate influence of the Queen's representative, and *un*fetter the unruly passions of the mob, without clearly foreseeing that life and property, in our noble North American colonies, must inevitably, ere long, become, as in the United States they have become, the defenceless victims of the violence and tyranny of the multitude.

The attention of the reader has hitherto been directed to a series of small aggressions which, one after another, her Majesty's Ministers have made upon British institutions in America. The mere *dramatis personæ* of the political tragedy which, by day as well as by night, has unceasingly been performing in our colonies, constitute a band of witnesses whose united testimony cannot be opposed.

The countenance shown by her Majesty's Government to Mr. M'Kenzie, Mr. Papineau, Dr. Rolph, Mr. Bidwell, Mr. Bedart, and even to a whole list of traitors, for whose apprehension the Crown is now offering immense rewards, viewed simultaneously with the depression, by her Majesty's Ministers, of Sir John Colborne, Sir Archibald Campbell, Sir Francis Head, and more or less of every Governor in our North American colonies, are corroborative facts, which the public, as an impartial jury, cannot long consider without unanimously agreeing in their verdict.

Nevertheless, though with apparent malice prepensè our colonial institutions may secretly have been attacked "with intent to kill," it has so happened, or, to speak more gravely, it has providentially been decreed, that, by the good sense and good feeling of the inhabitants of Upper Canada, the blows have not only been parried, but, the leading traitors having been driven from the land, the loyalty of that pro-

vince, like molten gold, has actually been purified by the conflagration which attempted to consume it; and, as the Legislature of New Brunswick, as also of Nova Scotia, not only publicly applauded the fidelity of their sister province, but, when the Americans attacked our colonies, voted a volunteer army with upwards of £100,000 to repel the invasion of democracy, one would have thought that her Majesty's Ministers (seeing that the Duke of Wellington and Sir Robert Peel most willingly lauded these brave defenders of the British flag) would have felt themselves absolutely compelled to obtain from the Imperial Parliament, in the form of resolutions, some sort of strong expressions of admiration, by which the Transatlantic defenders of our institutions, would have been encouraged in their exertions, and supported under the sufferings they had been called upon to endure. The ominous silence, however, of her Majesty's Ministers on these subjects, coupled with the ill-timed complimentary expressions of confidence which, on every opportunity, they seemed determined profusely to heap upon our republican allies, inversely as they deserved them, clearly indicated that their destructive policy was not yet to be abandoned; and accordingly, after a long period of anxious suspense, they formally announced to both Houses of Parliament, in the most imposing manner our constitution admits of, the ruinous project of "*a union of the Canadas.*"

As her Majesty's Ministers cannot feel themselves entitled to claim from Parliament, from the country, or from the inhabitants of our North American provinces, a blind assent to so important a measure of colonial legislation—as they cannot ask for implicit faith in their political principles, or claim to possess any more knowledge on the subject in question than can be transmitted by them to the public as easily as they have received it—it becomes necessary that their project should be seriously, and, if possible, impartially considered.

On the 28th of October 1836, when I was in perfect harmony with the Legislature and people of Upper Canada, I transmitted to her Majesty's Government "*A Memorandum on the Political State of the Canadas*" (vide Narrative, page 121), in which I officially disclosed reasons for rejecting the proposition of the union of the Canadas, which I

stated to be fearfully recommended "*by all those deep calculating republicans in both provinces, who shrewdly foresaw that the union of the two provinces would eventually cause their separation from the parent state.*" Besides these arguments against a union, I respectfully submitted to the consideration of her Majesty's Government a remedial measure for the tranquillization of the Canadas, by which I conceived that democracy in general, and Mr. Papineau's adherents in particular, would most effectually be curbed and repressed.

For reasons which have yet to be explained, her Majesty's Ministers suppressed from Parliament the arguments, the warnings, and the recommendations which, after a personal inspection of the province, and after a patient consultation with the most intelligent of its inhabitants, I had offered to them; and, although the Government had just expended a very large sum upon a Commission of Inquiry, expressly appointed to obtain information for Parliament—although the variegated (and, as far as Upper Canada was concerned, the inexperienced) opinions of the Royal Commissioners exhibited, when printed, a confliction of intellect and a confusion of language which has scarcely been witnessed since the days of Babel—her Majesty's Ministers placidly allowed both Houses of Parliament, without rudder or compass to direct them, to be buffeted on the waves of this controversy; they allowed a series of weak ineffectual Resolutions to be adopted, without ever permitting the country to take into its consideration, or to weigh in its impartial judgment, the official opinion, good, bad, or indifferent, of the Lieutenant-Governor of the Upper Province on the very subject before them!

At the time my objections against uniting the two Canadas were transmitted to her Majesty's Government, I had no reason whatever to urge them, excepting the duty which I owed to my Sovereign. Instead of being suspected of unreasonably mistrusting the loyalty of the people of Upper Canada, I might rather have been supposed to have been carried away from cautious judgment by the manner in which they had responded to my appeal. With every leading republican discarded from the House of Assembly, I might have been supposed, intoxicated by success, to have

neglected to calculate that my enemies still remained in existence; and that hereafter they might (as they did) make a last desperate effort to rebel.

Yet, notwithstanding the smiling prospect that was before me, I deliberately gave it as my opinion that the unruly propensities, natural to a healthy young province, were as much as I felt I had power to restrain—that the proposed attempt to infuse into it the rebellious French majority of the lower country "*would separate the Canadas from the parent state*"—"*that both provinces would be embarrassed by their union—and that between the two stools the British Constitution would fall to the ground.*"

Now, instead of being "raised from a coachman's seat to govern men and guide the state," let us suppose that the case were to be reversed, and that any one of our "liberal statesmen" were to be transferred to a coachman's seat to drive four healthy young horses, which on the slightest declivity he felt he could scarcely hold—let us suppose that, after the reins had remained in his hands sufficient time to make him perfectly well acquainted with the temper of his cattle, he were conscientiously to warn his owners of the difficulty and danger of his post—that his warning, instead of being made public, were to be kept secret, and that, as a remedy for the evil, he were suddenly to be told that six notorious runaway animals, that no coachman had ever been able to hold, were in future to be prefixed to his own hard-mouthed team—would it require a statesman's intellect to declare that the whole concern would be wilfully annihilated? Yet this homely case, absurd and ridiculous as it appears, is exactly the proposition which has deliberately emanated from her Majesty's Ministers!

The journals of the Legislature of Upper Canada will show the difficulty that Sir Peregrine Maitland, who was ten years Lieutenant-Governor of the province, experienced in restraining the encroachments of the House of Assembly.

The same journals will show that Sir John Colborne ended eight years' administration of the same government by leaving behind him a republican Speaker (Mr. Bidwell), heading a republican majority of 36 against 25.

The same journals will show that, on more than one occasion, I could but barely resist the democratic pressure of the House.

The same journals will show the difficulties which my successor, Sir George Arthur, has similarly experienced.

As, therefore, it has undeniably been the case that during the last 21 years the popular branch of the Legislature of Upper Canada has evinced as strong a centrifugal force as it constitutionally ought to possess, for what honest object could it possibly be proposed by her Majesty's Ministers, that to the representatives of 400,000 inhabitants, who with difficulty had been governed, there should be added the headstrong representatives of 600,000 Lower Canadians, who for the last 20 years have daily become more and more ungovernable, until, headed by Mr. Papineau, having broken out in open rebellion against their sovereign, they at this moment can only be restrained by the bayonet and by martial law?

Could Mr. Papineau himself, if *he* had been consulted by her Majesty's Ministers, have devised for them a republican project more certain to subvert British institutions in the Canadas, than to throw a million of inhabitants upon an executive Government, and upon a Governor who with difficulty had been able to govern 400,000?

Could the American citizens, who dishonourably invaded Upper Canada the moment they fancied she was in distress, if *they* had been consulted by her Majesty's Ministers, have devised for them a more certain recipe for wresting the Canadas from the British Crown, than, by an amalgamation of the two Legislatures, to diffuse the loyalty of the Upper Province over more ground than it could garrison, and simultaneously to infuse into the veins of the loyal country the disloyalty of the Lower Province? for, when both were tainted and corrupt, what resistance could they offer to that newly-discovered *tertium quid*, commonly called "American sympathy?"

But, omitting for a moment to take into consideration the deadly effects that would be produced by injecting into the House of Assembly the poisonous majority of the Lower Province, my despatches to the Colonial Office would indisputably show the serious difficulties which, as a civil

Governor, I practically experienced when suddenly attacked by the Americans, in being obliged, by my instructions, to apply to the military commander of the forces at Montreal, instead of being empowered at once to take those vigorous measures which the ever-changing exigencies of the moment required. In winter it required a fortnight to receive an answer from Quebec; and, with a vast frozen territory, equalling in its extent six of the United States, with a huge unwieldy House of Assembly, secretly hostile to British rule, and with a frontier of 1100 miles to guard, what legislative measures could promptly be completed to repel the invasion of our republican allies?

It is utterly impossible to conceive what excuse her Majesty's Ministers can offer to the country for the astounding proposition which they have just made.

It is easy enough, under the special licence of Parliament, to solemnise the nuptials of the two Canadas; but are her Majesty's Ministers prepared, after the fatal ceremony shall have been concluded, to name to the country *the man* competent to govern them? or, above all, *the Secretary of State* who, when they shall have been amalgamated, would have moral courage enough to stand against the demands, however unreasonable they might be, of the United House of Assembly?

If the Colonial Office, deserting, in the hour of danger, the Canadian Governors, the Executive and Legislative Councils, has hitherto invariably trembled before Mr. Papineau and Mr. Bidwell—at their bidding has raised treason to the judicial bench—in short, with recreant submission, has bowed its head to every blustering demagogue who has been encouraged by its own weakness to insult it,—is it for the maintenance or for the *wilful destruction* of British institutions that, with this experience on record, it is now proposed to unite together two forces, each one of which the Colonial Secretary has wanted either the will or the power to restrain?

If the expensive army, at present cantoned throughout Lower Canada, be a just estimate of the rebellious spirit to be controlled there, might not her Majesty's Ministers as well fix a mill-stone round the neck of the Upper Province, as to swamp their struggling loyalty by deliberately attaching

to it an amount of treason equal to the force of an army of 17,000 men?

Again, upon what grounds has this destructive recommendation been based?

1. The journals of the Legislature of Upper Canada record, against the project of the union of the provinces, the following corroborative joint address to his late Majesty, which, it will be perceived, is dated six months after my humble but deliberate recommendation against the measure had been officially communicated:

To the King's Most Excellent Majesty.

MOST GRACIOUS SOVEREIGN,

We, your Majesty's most dutiful and loyal subjects, the Legislative Council and Commons of Upper Canada, in Provincial Parliament assembled, humbly beg leave to address your Majesty, expressing the great concern which we feel at the present embarrassed state of the Local Government in your Majesty's Colony of Lower Canada. Though deeply sympathising with that portion of your Majesty's subjects whose tranquillity has been disturbed by the long-pending difficulties in that province, and though fully sensible how fatally our own interests and security are liable to be affected by their possible result, we have hitherto forborne to intrude upon your Majesty with any expression of our opinions upon the posture of public affairs in that colony.

That we have not now presumed to address your Majesty in order to remark upon the policy which has been pursued in the government of that colony, which interposes between us and the United Kingdom, but for the purpose, which more directly concerns this province, of stating to your Majesty our apprehension, that a mistaken view of the condition and interests of the people of Upper and Lower Canada *may prompt some persons inconsiderately to press upon your Majesty's Government the measure of uniting these provinces, as a remedy for existing evils.*

We have for some time past observed that suggestions of such a nature have been publicly offered both in England and Lower Canada, and we are not surprised that our fellow-subjects of that province, who are suffering under the present difficulties, should be willing to risk the consequences of such an experiment. They may easily persuade themselves that their situation can scarcely be rendered more embarrassing by the failure of any expedients; and they are not to be blamed if, in the hope of obtaining some

relief by the change, they forbear to look carefully into the probable consequences of an union to the welfare and tranquillity of this particular portion of your Majesty's dominions.

We earnestly trust, nevertheless, that your Majesty will graciously condescend to consider, that the political condition of four hundred thousand of your Majesty's subjects cannot be otherwise than most materially affected by so important a change in the government. *We are of opinion that such a change would expose us to the danger of consequences certainly inconvenient, and possibly most ruinous to the peace and welfare of this country, and destructive of its connexions with the parent state.*

This province we believe to be quite as large as can be effectually and conveniently ruled by our executive Government. United with Lower Canada it would form a territory, of which the settled parts from east to west would cover an extent of eleven hundred miles, which, for nearly half the year, can only be traversed by land; the opposite territory of the United States, along the same extent of frontier, being divided into six States, having each an independent government.

The population which Upper Canada contains is almost without exception of British descent. They speak the same language and have the same laws, and it is their pride that these laws *are derived from their mother-country*, and are unmixed with rules and customs of foreign origin.

Wholly and happily free from those causes of difficulty which are found so embarrassing in the adjoining province, we cannot but most earnestly hope that we shall be suffered to continue so; and that your Majesty's paternal regard for your numerous and loyal subjects in this colony *will not suffer a doubtful experiment to be hazarded, which may be attended with consequences most detrimental to their peace, and injurious to the best interests of themselves and their posterity.*

(Signed) John B. Robinson, Speaker, L. C.
(Signed) Archibald M'Lean, Speaker, H. A.

3rd of March, 1837.

It will appear from the following reply, which has been published by the Provincial Legislature, that his late Majesty William IV., who had personally visited British North America, fully concurred with the three branches of the Parliament of Upper Canada, *and with her Majesty's present Ministers,* in deprecating a union of the two provinces:

No. 170. *Downing-street, 21st April, 1837.*

SIR,

I have the honour to acknowledge your despatch (No. 26) of the 4th ultimo, in which you transmit to me an Address to his Majesty, from the Legislative Council and House of Assembly of Upper Canada, deprecating an union between the two provinces of Upper and Lower Canada.

I beg leave to acquaint you that, having laid this Address before the King, his Majesty has been pleased to receive the same very graciously, and to command me to observe that the project of an union between the two provinces *has not been contemplated by his Majesty as fit to be recommended for the sanction of Parliament.*

I have, &c.

(Signed) GLENELG.

Sir F. Head, Bart., &c. &c. &c.

2. His Excellency Sir John Colborne, the present Governor of the Canadas, is, I have good reasons for believing, against a union.

3. His Excellency Sir George Arthur, the present Governor of Upper Canada, is, I also believe, against a union.

4. Lord Durham himself will not, I believe, deny that on the eve of his departure from London for Quebec he replied to a deputation of Canada merchants, who waited upon him to advocate a union, by declaring *"that every argument they had expended upon him tended only to confirm his objections to the project"*—that to the highest authorities in Upper Canada his Lordship *unequivocally expressed the same hostile opinion;* and yet, with all these warnings and concurrent testimony before them, no sooner did the single House of Assembly (overpowered for a moment by the influence of a persevering individual solicitation, which also in this country has for a long time been indefatigably canvassing not only the Government, but many members of both Houses of the Imperial Parliament) pass resolutions, accompanied by a series of deceptive securities, in favour of a union, than her Majesty's Ministers (suddenly subscribing to the recommendation which Lord Durham, in direct opposition to his own former opinions, had been driven to promulgate after he had abdicated his authority*) eagerly join with

* In the few observations I have made on Lord Durham's Report,

his Lordship, and with the single branch of the Canadian Legislature, (for the upper house have since *thrown out the bill*) in a measure more serious, more fatal, more democratic, and more overwhelming to British liberty than anything which in their fatal colonial career they have even yet ventured to recommend: in short, with the withering example before their eyes of the effects of Irish agitation in the Imperial Parliament, they have deliberately proposed to overwhelm the loyalty of the Upper Canadian Legislature, by wilfully infusing into its vitals an irresistible and insatiable French faction, avowedly hostile to British rule!

The revolutionary effects of uniting the Canadas was so glaringly apparent to the Upper Province that, when both Houses of its Legislature united in the session of 1837 in petitioning the late king against the measure, the republican faction, who had been outvoted on the question, had recourse to the following stratagem, which sufficiently evinced their anxiety to arrest a petition they well knew to be subversive of their treasonable object.

After the bill had passed through both Houses a short customary address was proposed and passed in the Assembly, praying me to transmit the petition to the Secretary of State, to be laid at the foot of the throne. As a matter of course it passed through the Legislative Council, and, the measure itself having been already carried, the last reading of this second address was negligently deferred by the House of Assembly to the very last day of the session. The republican members, observing this, secretly joined together to defeat it by speaking against time, and accordingly the notorious traitor, Dr. Rolph, who shortly after-

I have purposely confined myself almost entirely to those passages in which his Lordship had so unnecessarily assailed my character and conduct. As his Lordship's recommendations, however, involve vital interests, I cannot refrain from making public one additional instance of the unintentional inaccuracy of his statements.

In reporting on the execution in Upper Canada of the traitors Lount and Matthews, his Lordship addresses her Majesty as follows: "The two persons who suffered the extreme penalty of the law unfortunately engaged a great share of the public sympathy: their pardon had been solicited in petitions signed, it is generally asserted, *by no less than* 30,000 *of their countrymen*." By the last packet official accounts have arrived of the exact number of the petitioners above alluded to, *who only amounted altogether to* 4545!

wards planned the attack upon Toronto, and for whose apprehension a reward of 500*l.* is now offered, actually *did* speak against time, and obstinately continued to do so, until the firing of the guns, which announced my having left Government House to prorogue the Parliament, put a sudden end to all debate, and the Republicans thus actually prevented the short address from being passed!

This petty conspiracy was of course reported by me to her Majesty's ministers. The loud simple warning which it offered to them I hoped would have been irresistible; nevertheless, although it is still ringing in their ears, they now one and all join with Dr. Rolph and his adherents in recommending to the country the very Republican measure which, six months before the occurrence I have just related took place, I had from a station of trust and confidence faithfully warned them *was advocated by our enemies.*

In 1822 the Tory party in England proposed the same fatal measure of a union, but the alleged "grievances" of our North American colonies were then, incredible as it now sounds, actually believed to be substantial, the leading reformers of the Canadas were not then, as they now are, known to be traitors, and their device for the union was then received without any suspicion being entertained of its real object.

It would be well if the future historian of "*The Decline and Fall of the British Empire*" could pause here; but the form in which her Majesty's Ministers have introduced this measure must surely appear to posterity more culpable even than the measure itself; for, instead of manfully bearing upon their own shoulders the awful responsibility of a recommendation unsupported, I believe, by any of the representatives of the Crown in our North American colonies, or by any of the Legislative or Executive Councils of these provinces, her Majesty's Ministers deliberately advised the Queen to pronounce, before that portion of her Majesty's speech which related to the subject of the Canadas had been discussed by Parliament, a Royal opinion in the following lines:—

"*Her Majesty thinks proper to acquaint the House (of Lords and Commons) that it appears to her Majesty that the future welfare of her subjects in Lower and Upper*

Canada will be promoted by a union of the said provinces into one province for the purpose of legislation."

Although every loyal subject in the British empire must admire the generous unsuspecting confidence which induced a youthful Queen to place such implicit reliance in the recommendations of her Ministers, yet surely it was their bounden duty to have taken unto themselves the undivided responsibility of a measure which, they cannot before the country deny, has solely emanated from their own breasts.

Considering that the vast importance of this trans-Atlantic question demanded that in both Houses of the Imperial Parliament it should, without bias of any sort, be openly and freely discussed, surely it would have been better that the opinion of the *Ministers* should be canvassed, and, if necessary, refuted, than that a single word of argument should be raised against the innocent recommendation of one whose name has, I firmly believe, never yet been connected in Upper Canada with any expression but those of the purest affection, and of the deepest respect!

Considering the opinions of the Lieutenant-Governors (her Majesty's representatives in our North American provinces)—considering that her Majesty's Ministers had but a few days ago printed and laid before both Houses of Parliament a despatch from me, dated 28th October, 1836, in which in unmeasured terms I had shown the *republican tendency* of the project, surely it would have been more decorous that my humble opinions should have been brought before Parliament in opposition to those of her Majesty's Ministers than to that of a Sovereign to whose person, dignity, and throne I am humbly but most dutifully attached.

Question of the Clergy Reserves.

From the Bishop of Exeter, to whom I had had occasion to address a letter on the subject of some ecclesiastical resolutions which had been passed in Upper Canada, I had the honour to receive, on the 25th of March last, the following note, to which I immediately returned the following reply. From several other very able supporters of the Established Church I afterwards received similar observations.

It appearing, therefore, to me advisable that, in a new edition, the explanation which I had had the honour of privately submitting to the Bishop of Exeter should be made public, I applied for permission to publish his Lordship's letter as well as my own. His Lordship having readily complied with my suggestion, I commit the subject to the public without further comment.

Copy of a Letter from the Lord Bishop of Exeter.

Torquay, 22nd March, 1839.

SIR,

I am confident that you will forgive my troubling you with another letter, in order to prevent misapprehension on a point which I feel to be of the highest importance.

In my sincere expression of the very high gratification which, in common with the world at large, I had received from the perusal of your interesting volume, I made no reserve; lest, therefore, I should be misunderstood, as including the whole of its contents, I think it necessary to say, that I lamented to read, in p. 289-90 of your "Narrative," (the passage which relates to the clergy-reserves,) your recommendation "that they should be divided among the *Churches* of England, Scotland, Rome, and Wesleyan Methodists, in the proportions which the population of these great SECTS relatively bear to each other in the mother-country."

Deeming this recommendation to be in direct violation of a great and sacred principle, I grieve that it has come forth with your very high authority.

Do not suppose that I wish to draw you into a discussion of this point. My only reason for troubling you with a letter upon it is to sustain my own principles, and to avoid the appearance of inconsistency in hereafter (as it may probably happen) asserting them in Parliament—though I shall not have occasion to remark on your holding different sentiments, unless it be first cited as an authority by others.

I have the honour to be, Sir,

Your very obedient servant,

H. EXETER.

Sir F. B. Head, Bart.

Copy of reply to the above.

MY LORD, *Atherstone, 25th March,* 1839.

I will not attempt to express to your Lordship my gratitude for the valuable sincerity with which you have expressed

to me your opinion on a most important subject, as I trust I shall be permitted after the Easter recess to do so personally. I will therefore at once endeavour to explain, rather than to exculpate, the two pages in my Narrative, to which you have referred.

I fully admit that my recommendation—"That the clergy revenues of Upper Canada should be divided among the churches of England, Scotland, Rome, and Wesleyan Methodists, in the proportions which the population of those great SECTS" (I ought to have said *communities*, as the word *sect* has, I am aware, a clerical meaning which I never intended to convey, and which I regret I have conveyed) "relatively bear to each other in the mother-country," was a direct violation of a great and sacred principle; and, as this is my opinion, or rather as I concur in this opinion with your Lordship, I should really be glad to hear your Lordship maintain this important principle in Parliament.

I hope, therefore, I may not be considered as arguing against the principle, if I endeavour to explain why I was driven to abandon it, which I did for the same reason which induces a pilot, who, in a gale of wind, comes on board a vessel *to leeward* of its harbour, to run into any creek in which he may save at least a portion of the cargo.

My attention, while I was in Upper Canada, was so much occupied in resisting treason in the colony and treachery at home, that I had not much time to devote to the question of the clergy-reserves, but my humble opinion, such as it is, I will, without the slightest concealment, lay before your Lordship.

I consider that, after having very unwisely, and almost unconstitutionally established the French religion, language, and laws (three elements which ought never to have been admitted) in Lower Canada, it was clearly the intention of the Imperial Parliament to make the wilderness of Upper Canada a purely British colony; and accordingly the acorn was planted *to produce the oak*.

The Sovereign was to be represented by General Simcoe; the House of Lords by a Legislative Council; the House of Commons by a House of Assembly; and the Established Church (which forms as much a portion of our constitution as any other element in it) was to be maintained and supported by the clergy-reserves.

I firmly believe not only that this was the intention of the Imperial Parliament, but that it was the only proper course to pursue; for, though many people may be of opinion that there ought to be no such thing as an Established Church, yet no reasonable man can say that this important question should be decided in one way at home, and in another way in our colonies.

The Church and State being firmly riveted together at home,

it was, I believe, not only the intention but the duty of the Imperial Parliament to make in the infant colony of Upper Canada such a provision as would ensure to our redundant population that they might emigrate to the same laws and the same religion which are countenanced at home.

But though this was intended, yet there was a slight obscurity in the wording of the Act, which I think the guardians of the Church ought in the progress of the bill to have cleared away; but somehow or other it escaped their notice. Nevertheless, if the Church of England had been at once properly and firmly established, and if the question now in dispute had been at once grappled with, I firmly believe the Parliament would have settled it according to the original intention; but the difficulty of the present day was not then foreseen, and the doubt was suffered to remain until 1819, when a case was drawn up and submitted to the Crown officers in a way which, certainly to me, seems to favour the admission of the Scotch Church to a participation in the clergy-reserves. I must, however, most humbly say, that I have always dissented from the opinion of the Crown officers on this subject.

I read the Act of 31 Geo. III. c. 31, to mean the planting of our Church and State in one of the noblest portions of the British empire, and I think we might as well now pretend to doubt what Sovereign the Governor was intended to represent, as what Church was to be represented, or what was the real meaning of "a Protestant clergy."

But, instead of the obvious and constitutional, if the literal meaning be claimed, then the Methodists assert that they are as much a "Protestant," or Anti-Catholic clergy, as the Scotch.

All these elements of dispute were left to ferment until the year 1836, when I assumed the Government, bringing with me instructions which, instead of deprecating any alteration in the provision, seemed to consider that it was not only the natural effect, but the fulfilment of the intention of the Act of 31 Geo. III., which Act, not being able to anticipate "what might be the prevailing opinions and feelings of the Canadians on this subject at a future period," took full precaution against "the *inaptitude* of a systematic provision for a Protestant clergy" to more *advanced stages* of society.

These sort of sentiments being publicly avowed by H. M. Ministers, the law-officers of the Crown having officially denied the right of the Church of England to the reserve in question, the Methodists being encouraged to claim a share, and 13,000,000 of lawless people on our border being hostile to the existence on the continent of America of either Church or State, I saw before me but too many reasons to believe that, unless the question were

somehow or other speedily settled, it would be almost impossible to resist the insidious, specious, but unprincipled proposition which was daily gaining strength, namely, of devoting the reserves to the purpose of education, which was plausibly argued to be an universal blessing to society.

The dreadful picture which exists in the United States for want of religion, made me reflect that if we attempted too much we might lose all; and that, in dividing the reserves in the proportions you have objected to, we should, at all events, attain the immense object of establishing religion in Upper Canada on a principle and in proportions which would not be altered by every different batch of emigrants that might arrive in the province.

That my proposition (see Mem. A) was a departure from the real meaning of the Act, viz. 31 Geo. III., I have admitted. I hope I have also shown my general willingness to face any invasion of that Act; but I do not hesitate to own to you, that to do what I wished in the clergy-reserve question was more than I could attempt—the opinion of the Crown officers was an obstacle I could not surmount.

With respect to admitting the *Catholics*, who certainly form no part of the *Protestant* Church, I have to observe, that, as the original intention of the Act, as I construe it, was set aside—1st, by the opinion of the law officers that the reserves were not to be given exclusively to the Church of England; and, 2ndly, by the opinion of her Majesty's Ministers respecting "*the inaptitude*" of the original arrangement "*to the more advanced stages of society*,"—the principle upon which the Catholics were to be excluded was so much impaired that it could hardly practically be exerted against them. If the Scotch and Methodists were to be admitted, the Catholics, who, on the insurrection bursting out, proved brave and loyal to a man, might at once have joined the Catholic priesthood of Lower Canada. I do not approve of this latter argument, yet it is not altogether devoid of political weight.

I hope you will excuse the imperfect manner in which, by return of post, I have replied to your obliging communication.

I have the honour to be, my Lord,
Your Lordship's faithful
And very obedient servant,
The Lord Bishop of Exeter. F. B. Head.

The following private Memorandum, [A] (containing the observations objected to by the Bishop of Exeter, in my "Narrative," pages 289, 290,) was written by me at Toronto, in 1836, with a view to assist, if possible, the adjustment of the clergy-reserve question.

(Copy.)

Memorandum [A].

Clergy Reserve Question.

" It appears to me that this question might be practically settled in something like the following manner:—

" 1st. Debate and settle whether, under existing circumstances, it be advisable that the clergy reserves should (according to the 31 Geo. III. c. 31. s. 36 and 42, and according to that interpretation of the said Act which was given by his Majesty's law officers on the 15th Nov. 1819) continue to be confined to the churches of England and Scotland only, or whether the Act should (in virtue of the powers in its 42nd section) be varied or repealed, with a view to admit other religious sects to a share in the proceeds of the said clergy-reserves.

" 2d. In case the first of these two queries should be agreed to, namely, that the reserves ' should continue to be confined to the two churches of England and Scotland only,' nothing would then remain but to determine the exact proportions which each of the said two churches should receive.

" An attempt to make this calculation from the property or from the population of the two churches, as they at present exist in this colony, would be objectionable:—

" Because the requisite statistical information does not exist;

" Because the inquiry would excite and agitate the adherents of both churches, and yet satisfy neither;

" Because, almost before the calculations could be concluded, emigration might suddenly null and subvert it.

" The foregoing objections, with many of a similar nature, would be obviated by calculating the desired ratio on the broad, safe, constitutional maxim, or fact, *that this colony, being as much an asylum for all British subjects who may hereafter choose to come out here, as it is for those who have already become its inhabitants, ought to be considered as the image and transcript of the mother-country*, and, consequently, that the churches of England and Scotland (whatever may happen to be the population at this moment) should be assumed to bear the same relative proportion to each other in Upper Canada as it appears, by printed statistical tables, that they *bonâ fide* now bear to each other in the mother-country.

" By this amicable arrangement of the question in dispute, all angry feelings, all local jealousies, all religious animosities, all petty interests, all fluctuating comparisons would be avoided.

" It is true that emigration might occasionally falsify the

adjustment, but, as it is poverty and not religion that propels our countrymen from their homes, there would always be reason to expect that the assumed average would eventually become the correct one.

" In case the second of the two queries should be agreed to, namely, that the Act of 31 Geo. III. c. 31, ' ought, in virtue of the powers contained in its 42nd section, to be varied or repealed, with a view to admit other religious sects to a participation of the proceeds of the clergy reserves,' the denomination of sects to be admitted, as well as the proportions they should each respectively receive, might be determined on the same broad constitutional principle which has already been described; that is to say, all those great sects might be recognised in Upper Canada, which on account of their numbers and importance are considered as *churches* in the mother-country, and each of the said sects might be assumed to possess the same relative population in Upper Canada as it actually possesses in the mother-country.

N. B.—" In the foregoing memorandum nothing is directly or indirectly recommended; all that is intended is to show in what way the different considerations of the subject may be practically dealt with.

" F. B. H."

Having now explained rather than defended the course I pursued in Upper Canada respecting the clergy-reserves, it only remains for me to observe that my apprehensions that, unless the reserves in question were secured without delay for religion, the House of Assembly would impatiently alienate them to other purposes, have, I regret to say, *since my letter to the Bishop of Exeter of the 25th March,* been realized, the Assembly having just passed a series of resolutions, the two first of which are, that the reserves should be sold and applied to the making of roads.

A few Remarks by Sir F. Head on a volume (containing 524 folio pages, and entitled " *Despatches from Sir F. B. Head, Bart., K.C.H., relative to Canada; with Answers from the Secretary of State*") which was on Wednesday laid by her Majesty's Government before Parliament.

1. I complain that, in this volume, the portion of despatches called for by his Grace the Duke of Wellington,

as being necessary to repel Lord Durham's allegations against me, has, contrary to my most earnest request, been jumbled with the portion subsequently required for Mr. Joseph Hume's object, by which admixture the two cases, which, separately considered, would have been substantiated clearly in my favour, have been rendered incomprehensible and confused.

2. I complain that in this volume her Majesty's Government have done me the injustice of reversing the order of the House of Commons, as declared in the title-page, by giving to their own ably-written "answers," which are followed up by most tedious documents, the unheard-of advantage of being printed *before*, instead of *after*, my despatches, to which they reply! In no court of justice in the world would such a course of procedure be permitted. In my case I conceive it to be particularly unfair, as the avowed object of the Duke of Wellington's motion was to enable me to repel, not fresh misrepresentations, but those specific allegations against me which her Majesty's Government had already deliberately presented to both Houses of Parliament by command of the Queen.

3. I complain that, although in this volume there has been unnecessarily republished an irrelevant but most abusive report of a select committee of that Republican House of Assembly, which, a few months after my arrival in Upper Canada, I dissolved—although the said report, containing 66 folio pages, signed by Charles Duncombe, a traitor, for whose apprehension a reward of 500*l.* is now offered, and by T. D. Morrison, lately tried for treason, was, at the request of Mr. Joseph Hume, M.P., printed by an order of the House of Commons, dated 23d of January, 1838—her Majesty's Government have done me the injustice of excluding from this volume the counter-report of a select committee of the present loyal House of Assembly, which report, signed by Colonel the Hon. Sir Allan M'Nab, the present Speaker, triumphantly exposes the accusations made against me by the said traitor Duncombe, and by his fellow-labourer, Mr. Joseph Hume, M.P.

I submit to the calm judgment of unprejudiced men, that for her Majesty's Government to pretend to comply with the Duke of Wellington's motion by republishing the cor-

rupt, disloyal report of a committee, whose chairman, after this report had been made public in Upper Canada, was so repudiated by the farmers and yeomen that he actually lost his election, while, on the other hand, they exclude the report signed by the Speaker of the present intelligent and loyal House of Assembly, is not only a denial to me of justice, but an aggravation of the injustice with which I have been treated, especially as the following extracts from Lord Durham's allegations, contrasted with the following extracts from the said report, will at once show the very remarkable manner in which this excluded document meets and repels the identical allegations, and *almost the identical words*, produced against me by her Majesty's Government before both Houses of Parliament :—

Extracts from Lord Durham's Report.

"The general support of the British determined the election in favour of the Government; and, though very large and close minorities, which in many places supported the defeated candidates, marked the force which the Reformers could bring into the field, even in spite of the disadvantages under which they laboured from the momentary prejudices against them, and the unusual manner in which the Crown, *by its representative*, *appeared to make itself a party in an electioneering contest*, the result was the return of a very large majority hostile in politics to that of the late Assembly.

. . . . . .

"I say this without meaning to cast any imputation on the members of the House of Assembly, because, in fact, *the circumstances under which they were elected* were such as to render them peculiarly objects of suspicion and reproach to a large number of their countrymen.

. . . . . .

"In a number of instances, too, the elections were carried *by the unscrupulous exercise of the influence of the Government*, and by a display of violence on the part of the Tories, who were emboldened by the countenance afforded them by the authorities. It was stated, but I believe without sufficient foundation, that *the Government made grants of land* to persons who had no title to them, *in order to secure their votes.*

. . . . . .

"This report originated in the fact, that patents for persons who were entitled to grants, but had not taken them out, were

sent down to the polling-places to be given to the individuals entitled to them, *if they were disposed to vote for the Government candidate.*

. . . . . .

"It cannot be matter of surprise that such *facts* and such impressions produced in the country an exasperation and a despair of good government which extended far beyond those who had actually been defeated at the poll.

. . . . . .

"*All which* is humbly submitted to your Majesty.

"DURHAM."

Extracts from the Excluded Report to the Hon. the House of Assembly of Upper Canada of a Select Committee to which was referred the petition of Charles Duncombe, Esq., to the British House of Commons. Printed by order of the House of Assembly, and adopted by more than two-thirds of the Members present.

"It will be observed that Mr. Duncombe represents himself in the first paragraph of his petition as having been 'deputed by the Reformers of the province to lay before his Majesty's Government and the House of Commons the dangerous crisis at which,' as he asserts, 'the affairs of the province had unhappily arrived, through the unconstitutional violence and outrage practised and sanctioned by Sir F. Head, the present Lieutenant-Governor, and those under his immediate influence and control, at the late election, for the purpose of obtaining a majority in the House of Assembly.'

. . . . . .

"This paragraph" (the next item of complaint) "was evidently introduced by Mr. Duncombe in his petition for a double purpose:—

"1. To persuade the House of Commons and his Majesty's Government in England that a party exists in this country, known as Tories and Orangemen, who are tyrannically opposed to the liberties of the people, and especially that portion of them self-designated Reformers; and, secondly, that the Lieutenant-Governor, the Attorney-General, the Solicitor-General, and in general every public functionary in the province, corruptly endeavoured to aid and assist the Tories and Orangemen in securing a return of their political partisans to the House of Assembly. It would be difficult for the parties accused to meet charges so vague and uncertain; but the Committee deem it their duty to declare that the political distinctions Mr. Duncombe would set

up are as unfounded in fact as they would be injurious to the peace and welfare of the community if they existed. The vast majority of the people of the province are loyal to their Sovereign, and strictly and ardently opposed to those, and those only, of their fellow-subjects, whose political doctrines they conceive tend to a subversion of the constitution under which they live, and ultimate separation from the parent state. It only remains for your honourable House indignantly to repel, as this Committee does not hesitate to do, this gross and unfounded aspersion of the integrity and independence of the electors of Upper Canada.

. . . . . .

"The Committee, having thus disposed of the minor parts of Mr. Duncombe's petition, will now advert to that portion of it that may justly be considered as of the greatest importance, viz., the accusation against his Excellency the Lieutenant-Governor; and it is with no common degree of satisfaction that the Committee feel themselves justified in declaring *that every charge and insinuation made against a man* to whom the province of Upper Canada owes so large a debt of gratitude, for firmness of principle and patriotic conduct, *is wholly and utterly destitute of truth.* Few governors of a colony were ever placed in circumstances of greater difficulty than those which assailed Sir Francis Head within three months of his assuming the government of the province; and it is, perhaps, not too much to say, that no man could have met those difficulties (ungenerously and unreasonably thrown in his way) with more temper, firmness, and judgment than he did.

"It would be out of place, and unnecessary, to advert more particularly to the causes which led to the dissolution of the late House of Assembly. The whole country is familiar with the facts, and has honestly, deliberately, and conclusively pronounced their opinion upon them; but it appears to have been the object of Mr. Duncombe and others to impress the House of Commons and his Majesty's Government with the opinion that this decision of the electors of the province was not *bonâ fide*, but brought about by means the most corrupt and detestable.

. . . . . .

"In order to inform themselves fully upon these subjects, the Committee has obtained returns of every patent issued since Sir F. Head assumed the government of the province; the date of the Order in Council under which they were completed; the person to whom made, where the lands are situated, and (as far as could be ascertained) whether voted upon or not. This return will be found in the Appendix J. (1.), and from it it will appear that the total number of patents that passed the great seal,

between the prorogation of the Assembly on the 20th of April, 1836, and the close of the late general election, was 1478, of which number 1245 were issued in pursuance of Orders in Council, made prior to Sir Francis Head's arrival in the province, and over which he had no more control, and with which he could no more have interfered, than any other officer of the Executive Government. Any attempt to arrest these patents would most justly have subjected him to the severest censure and condemnation, as having disregarded the highest duties of his station by depriving his Majesty's subjects of their admitted and indisputable legal and constitutional rights. From the same returns it will appear that the whole number of patents issued under Orders in Council, upon the authority of Sir Francis Head, between the prorogation of the Assembly and close of the election, was 150; and of these several were to females and other persons resident in parts of the province remote from the place where the lands granted them were situate, and who never could have contemplated making use of them for the purpose of voting. To render the groundlessness of the charge against his Excellency if possible still more apparent (see also Appendix J.), the committee have ascertained that the whole number of patents issued under Orders in Council, since his arrival in the province to the close of the election, was 233; of which number 30 were for females, seven to purchasers from the Crown who had paid up their purchase-money, 73 settlers under the Hon. Colonel Talbot and the Hon. Peter Robinson, who were entitled to their deeds upon producing certificates of having performed their settlement duties, and 123 U. E. loyalists, militiamen, pensioners, and old soldiers. It will probably be considered as altogether unnecessary to dwell further on this point of accusation; but in justice not only to the Lieutenant-Governor, but to the electors of the province themselves, who are implicated in the charge, that the return of their present representatives was effected by fraud and corruption, the Committee will shortly advert to the state of the polls at the conclusion of the elections for the different counties, ridings, and towns in the province, and contrast the evidence which the poll-books afford with the unfounded assertion that the majorities they present were brought about by the means alleged by Mr. Duncombe.

. . . . . .

"It will be thus seen that in ten counties and in one town 17 members of the late Assembly of the Reform party were rejected, and the like number of persons of opposite principles were peaceably and fairly returned, and against *whose return no opposition or complaint has ever been made.*

" The last House of Assembly was composed of 61 members, of whom 36 styled themselves Reformers. If, then, 17 were taken from their number and added to their opponents, the present Assembly, without reference to Simcoe or the second riding of York, would be composed of 19 Reformers and 42 adherents of the constitution as by law established; the only political distinction the opponents of Reformers desire to assume—a sufficient proof of a deliberate change in the political sentiments of the people.

. . . . .

" But to proceed to Mr. Duncombe's accusation: he asserts that he believes that he would be able to prove that ' thousands of grants of land were (improperly) issued to overwhelm legally registered votes, and voted upon; that such grants were distributed openly at the places of election to persons who had not applied at that time for such patents, and who received them to enable them to vote without paying the usual fees; that at Simcoe, one of the many instances, Mr. Ritchie, the Government emigrant agent, thus issued hundreds of these grants to persons who voted immediately on them.' It is almost needless to dwell on *the gross misrepresentations contained in these assertions;* as has been shown, the whole number of patents issued amounted to less than 1500, not one of which was issued without paying the usual fees, where any fees were payable, and of which less than 250 were issued under orders of Council during Sir Francis Head's administration, and these to all descriptions of persons, men and women, without distinction, in the usual mode and upon the ordinary terms. And what are the facts with respect to the assertion that ' Mr. Ritchie issued hundreds of these grants to persons who voted immediately upon them?' They are as follow:—Mr. Jarvis, the deputy secretary and registrar, for the reasons mentioned in his letter hereunto annexed (see Appendix I.), and without consulting any other person, delivered Mr. Ritchie all the patents remaining in the office for lands situate in the county of Simcoe, some of them 10 and 15 years old, and not knowing whether the grantees lived in the county or not; the whole number amounted to 303; of this 170 were returned, the owners not having applied for them, and 133 were distributed or retained in the hands of the agent, and only 18 of the persons who so received these deeds voted at the election, as appears by the polling-book. Mr. Robinson's and Mr. Wickens' majority over Mr. Lount, after less than two days' polling, was 126 and 120 to 34. Your Committee deem further comment on this subject unnecessary. Your Committee will, however, remark that

Mr. Lount [*since hanged for treason*] was summoned to appear before them, but has wholly neglected to do so.

. . . . .

" Before closing their Report, the Committee feel it their duty to call the attention of your honourable House and the country to the fact that the petition of Mr. Duncombe was presented to the House of Commons by Mr. Joseph Hume, a member of the Imperial Parliament for the county of Middlesex, and that that gentleman appears to have been chosen as the agent through whom Mr. Duncombe [*at this moment an outlawed traitor*] and Mr. Robert Baldwin have conducted their communications with the Colonial-office. And it further appears, from letters of Mr. Hume addressed to some of the Ministers of the Crown, that he is desirous of representing himself as the agent, or at all events as being authorized to express the sentiments, of the people of Upper Canada on the subject of their political feelings, and the public affairs of the province. Your Committee are of opinion that the honour and character of his Majesty's loyal subjects in this province require that it should be promptly and emphatically declared by their representatives that Mr. Hume is among the last men they would select to advocate their cause or represent their feelings or wishes to the British nation. The people of Upper Canada recollect that in the year 1834 Mr. Joseph Hume addressed a letter to a correspondent of his in this country [*the traitor W. L. M'Kenzie*], which, referring to his correspondent's recent expulsion from and re-election to the Assembly, contained the following treasonable language and advice:—'*Your triumphant election on the 16th, and ejection from the Assembly on the 17th, must hasten that crisis which is fast approaching in the affairs of the Canadas, and which will terminate in independence and freedom from the baneful domination of the mother country, and the tyrannical conduct of a small and despicable faction in the colony. The proceedings between 1772 and 1782 in America ought not to be forgotten; and, to the honour of the Americans, and for the interests of the civilized world, let their conduct and the result be ever in view.*' And, when it is remembered with what indignation and disgust the publication of this detestable communication was received throughout the province, his Majesty's loyal subjects cannot but regard with abhorrence the idea that the person who had thus insulted them should be supposed by their Sovereign and their fellow-subjects in the United Kingdom to be their accredited agent, that they held any communication with him, or that he was in any way clothed with

authority to speak their sentiments or represent their views on any subject, public or private.

"With reference to the correspondence of Mr. R. Baldwin with Lord Glenelg, and which has also been referred to your Committee, and which is annexed to this report, little need be said further than to notice the representations it in substance contains—that the affairs of this province have reached an alarming crisis; that the connexion with the parent state is endangered; that the people have lost all confidence in their Government; that they have become dissatisfied and discontented; that, owing to the tyrannical and unjust conduct of his Excellency the Lieutenant-Governor, they are *almost driven to desperation;* and that nothing can save the country from revolution but administering the government agreeably to his interpretation of the constitution conferred upon us by the Imperial Parliament. In answer to all this, your Committee can only refer to facts that speak louder and carry greater conviction than assertions, however boldly or confidently made."

Without offering a single comment on the foregoing "Report," I leave her Majesty's Government to explain to Parliament why they did not deem it as worthy of insertion as the irrelevant republican document of 66 folio pages which they have reprinted and brought against me.

4. I complain that in this volume her Majesty's Ministers have most unnecessarily published, first, their own answers to, and, secondly, my despatches entreating them to relieve me from the pecuniary embarrassment in which they kept me during the whole time I was in Canada; while, on the other side of the question, they have *most unjustly withheld from Parliament* the following despatches:—

1. Two despatches to her Majesty's Secretary of State, dated the 15th of May, 1838, in which I state—

"As regards the amount of the sum awarded to me by the Government, I have no observation to offer, all discussion on that subject having on my part ended with my administration of the government of Upper Canada. While I was in that difficult situation I did not hesitate to express my opinion respecting the repayment to me of the expenses which I conceived to be due to me. In this country, however, I have no such arguments to offer, no claims to urge, and no desire to raise against the pecuniary award of her Majesty's Government, whatever it may be, a single observation."

. . . . . .

"To indemnify me for the expenses of my return, which (including those for my family) *bonâ fide* amounted to 530*l.* 8*s.*, her Majesty's Government have awarded me the sum of 300*l.*, upon which, as I have already had the honour to state to your Lordship, I have not an observation to offer."

2. A despatch to her Majesty's Under-Secretary of State, dated the 10th of August, 1838, in which, in reply to a communication from Lord Glenelg, dated the 9th of May, 1838, and from the Under-Secretary, dated the 8th of August, by which I was requested to forward an official representation of the extra expenses to which I had been exposed by the insurrection in Upper Canada, I replied as follows:—

"I have not with me any copy of my letter to Lord Glenelg of the 15th of May, to which you have referred, but I feel certain I only mentioned the two facts—first, that, on the insurrection breaking out in Upper Canada, I found it necessary to add to my staff three extra aides-de-camp and a military secretary; and, secondly, that, while no increase of salary had been granted to me, a fair allowance had been ordered by her Majesty's Government to every British officer on duty in Upper as well as Lower Canada. I say, I only mentioned these two facts to satisfy Lord Glenelg of the justice of remunerating me for the *bonâ fide* travelling expenses which I had been obliged to incur in coming from Toronto to England.

"These expenses are all I have applied for; and, as by your letter of the 8th instant it appears they have been granted to me, I beg to say I do not feel disposed to make any further pecuniary application to her Majesty's Government.

"I have the honour to be, &c.

"F. B. Head."

3. A despatch to the Secretary of State, dated the 8th of March, 1839, in which I stated—

"I feel it necessary, on public as well as on private grounds, unequivocally to decline receiving the remuneration of my official expenses in the manner in which it has been proposed they should be experimentally asked for from the House of Assembly, who would, I consider, feel they were *invited to refuse them* by the despatch alluded to. Without entering at present into the subject, I only beg leave respectfully to state that I had infinitely sooner lose the indemnification in question than submit to a process to which neither Lord Gosford, Lord Durham, Sir John

Colborne, nor any other governor of a colony, *after he had quitted it*, had ever been subjected.

" I have the honour, &c.

" F. B. Head."

4. A despatch to the Under-Secretary of State, dated March 10, 1839, in which I stated—

" I perfectly understand that his Lordship can enter into no pledge respecting the production either to Parliament or to the Provincial Legislature of my correspondence with the Colonial-office respecting the non-payment of my official expenses. On the other hand, I feel confident that his Lordship has not misinterpreted my reluctance to enter upon the discussion of a subject involving only my own private interests, by conceiving that I entertain the slightest doubt or apprehension on the subject.

" *To the last moment no exertion shall be wanting on my part to prevent this discussion from coming before the public:* should I however be unsuccessful, his Lordship will, I believe, see reason to appreciate the feelings by which I have been actuated.

" I have the honour, &c.

" F. B. Head."

Considering the generosity, even towards an enemy, which has ever characterized the British people, and which surely ought therefore equally to characterize the British Government, one would have thought that her Majesty's ministers, seeing how I naturally shrank from the idea of having my pecuniary affairs unnecessarily brought before the public, would have liberally refrained from doing so, most especially as there existed no dispute whatever between us on the subject, I having declared in my *Narrative* (*vide* p. 418) " that I felt bound in justice to the Government to mention an otherwise insignificant matter—namely, that her Majesty's Government had with strict justice recently paid me the whole of my expenses." But, though the right of her Majesty's Government unnecessarily and ungenerously to moot this subject cannot be denied, yet, in bringing the question before the public, in compliance with the Duke of Wellington's motion, they were perfectly unjustified in withholding from Parliament all that side of the correspondence which they well knew tended unanswerably to satisfy every liberal mind that I had sued for nothing beyond the bare repayment of the expenses to which I had been subjected.

Having, I trust it will be admitted, done everything in

my power to prevent this unimportant subject from distracting the public mind from the serious considerations which must arise from the perusal of my *Narrative*, I feel it necessary, now that it has forcibly been brought into notice, shortly, but most unequivocally, to declare that I have no claim whatever to make either upon the country or upon its Government.

While I was Lieutenant-Governor of Upper Canada, I made (under most adverse circumstances) every exertion in my power to keep up the British flag; and I resisted, as well as I was able, all attempts, from whatever direction they proceeded, to haul it down.

Some people may be satisfied with my conduct—others may be dissatisfied; at all events, if I have done wrong, I have, I submit, paid the penalty of my offence. While every possible pecuniary assistance was granted to Lord Gosford as well as to Lord Durham, and while 4500*l.* a-year is now very properly granted to Sir John Colborne, besides his salary and emoluments of commander of the forces, I was left, during the political tempest to which I was exposed, to borrow money in all directions for the bare payment of my official expenses. Until I returned to England not even my travelling expenses to Toronto, incurred in 1835, were refunded to me. For my services in Upper Canada, such as they may have been, I have, including my salary, received from her Majesty's Government not one shilling beyond the repayment of the expenses to which I was subjected; while, on the other hand, in consequence of my having, on their repeated application, consented to serve them, I have lost since 1835 a permanent appointment of considerable importance. All I have required, and still require, of her Majesty's Government, is to let me alone in my retirement.

I completely exonerate Lord Normanby and Mr. Labouchere, for both of whom I entertain respect, from any unworthy conduct towards me. They, since their appointments, can have had no time to consider my case; but the insane manner in which her Majesty's Government have not only encouraged rebellion in our colonies, but have twice assisted in assailing me, can only, to my humble judgment, be accounted for by the proverb

"Quos Deus vult perdere prius dementat."

CONCLUSION.

Accounts have lately reached this country from the Canadas, mentioning the arrival there of Lord Durham's Report, as also of my Narrative, Her Majesty's Ministers will now be enabled to declare to Parliament whether or not they have received from Sir John Colborne, from Sir George Arthur, from the Judges of the Court of Queen's Bench, from the Law Officers of the Crown, from the Executive Council, from the Legislative Council, from the House of Assembly, from the British population, or from the British army in the Canadas, anything in the slightest degree approaching to a denial of the affirmation to which I adhere,—*that the whole of these parties join hand and heart in deeply lamenting the republican course of policy which her Majesty's Ministers have unremittingly been pursuing in our colonies.* Whatever may be the opinion on this subject at home, unconnected with any political party, I do most solemnly declare to the country that, in the various regions it has been my humble fortune to visit, I have never before witnessed so astonishing, so unnatural, and yet so affecting a scene, as that which, for upwards of two years, daily presented itself to me in British North America.

The inhabitants of these valuable colonies, with a manliness of character which it is almost impossible to describe, look upon the British empire as the freest and noblest portion of the globe; they admire the liberty with which people in England write their minds, speak their minds, spend their fortune, bequeath their earnings—and, observing the jealousy with which life and property are secured—they attribute all these blessings to the power, stability, and real majesty of British institutions.

With those feelings in their hearts, the inhabitants of our North American colonies have for several years observed the ministers of their sovereign, under the pretence of conciliating democracy, firmly ally themelves with people destitute of character, whose evident object has been the destruction of those simple elementary principles upon which the British empire has been based. They have seen these demagogues,

who had no real stake in their country, one after another, encouraged or promoted by her Majesty's Government, and while this party, whose evident intention was to rob and murder them, was busily occupied in broad day-light in making pikes, purchasing rifles, assembling for drill, forming themselves into unions, and thus creating general apprehension throughout our colonies, they have seen the Ministers of the Crown, in spite of warning or remonstrance, resolutely insist on elevating over the heads of the loyal population the ringleaders of the conspiracy—they have seen the arch-agitator of each of the Canadas offered to be rewarded—the insulters of her Majesty's representative officially shielded from punishment; in short, they have seen the Ministers of the British Crown actually fan into a flame the embers of rebellion, which the representative of the Sovereign, but for the encouragement shown to agitators, would easily have extinguished.

After rebellion had actually burst out, and after British institutions had been desperately attacked, they have seen the Ministers of their Sovereign deaf to recommendations in favour of colonists who had risked their lives, and had shed their blood, in defence of the empire; while, on the other hand, they have seen the government, by ingenious sophistry, screen from the vengeance of the law the pirates and traitors who had been brought to justice. They have seen the British flag most grossly insulted—they have seen the British territory repeatedly invaded—the Queen's subjects robbed, murdered, mutilated, without adequate reparation being obtained or even demanded from the American Government; and lastly, they have seen a Governor-General of the British North American Colonies not only impugn to her Majesty the conduct of his predecessor, of the Legislative and Executive Councils, of the House of Assembly, of the public authorities, but before the whole world they have seen him appeal from the Castle of Quebec, to the people of British North America, against Her Majesty's delegated authority, against the conduct of the Queen's Ministers, against the measures of the Imperial Parliament; and, after all this, and after having without permission abandoned his post, they have seen this servant of the public assume his seat in the House of Lords, which he had reviled, and sit there night after night for two

months without a single Minister of the Crown venturing to stand up to arraign his Lordship before the country, or to offer one word in defence of the Queen's Ministers—Imperial Parliament—Provincial Legislatures—Governors, Lieutenant-Governors, and other constituted authorities, whom his Lordship had either openly assailed or contemptuously reviled!

With these alarming facts before their minds, the loyal British population of our most valuable North American Provinces having lost all confidence in the ministers who surround their Sovereign, believe (and I humbly join them in believing) that, unless the British nation will awaken from its slumber, unless the British people will arouse themselves from their deathlike trance to rally round the constitution and the throne, our noble colonies will very shortly be subjected to a scene of plunder, devastation, and bloodshed, which, as soon as it has paralysed the extremities, must almost simultaneously affect the heart of the empire.

Surely, when the nation reflects with what noble and powerful enemies it has hitherto successfully contended, it will feel ashamed of any longer allowing its colonies to be convulsed by one or two professional agitators who, every one knows, would instantly run away before the Queen's Government if it would only be firm, but who, for the very reason of their being notorious cowards, will, if successful, exercise a cruelty and a tyranny over every man of property, which I trust it will be the duty of their fellow-subjects in the mother-country by a manly effort to determine to prevent.

FINIS.

APPENDIX A.

No. 95.

Memorandum on the Aborigines of North America.

Toronto, Upper Canada, 20th Nov., 1836.

My Lord,

As the object of this communication is to endeavour to supply your Lordship with the information respecting the Indians and the Indian department, required by your Lordship's despatch No. —, I feel it may be satisfactory that I should commence by explaining what opportunities I have had of forming the opinion I am about to offer on the subject.

I have, therefore, the honour to state to your Lordship that I attended the annual delivery of presents to the visiting Indians at Amherstburg, as also that which took place, for the first time, at the Great Manitoulin Island in Lake Huron.

During my inspectional tour of the province, I also visited, with one or two trifling exceptions, the whole of the Indian settlements in Upper Canada, and in doing so made it my duty to enter every shanty or cottage, being desirous to judge with my own eyes of the actual situation of that portion of the Indian population which is undergoing the operation of being civilized.

I have had a slight opportunity of making myself acquainted with the Indian character in South America, and from the above data, I have now the honour to transmit to your Lordship the following observations on the subject.

Memorandum.

The fate of the red inhabitants of America, the real proprietors of its soil, is, without any exception, the most sinful story recorded in the history of the human race; and when one reflects upon the anguish they have suffered from our hands, and the cruelties and injustice they have endured, the mind, accustomed to its own vices, is lost in utter astonishment at finding that in the red man's heart there exists no sentiment of animosity against us, no feeling of revenge; on the contrary, that our appearance at the humble portal of his wigwam is to this hour a subject of unusual joy. If the white man be lost in the forest, his cry of distress will call the most eager hunter from his game; and among the tribe there is not only pleasure but pride in contending with each other who shall be the first to render him assistance and food.

So long as we were obtaining possession of their country by open violence, the fatal result of the unequal contest was but too clearly understood; but now that we have succeeded in exterminating their race from vast regions of land, where nothing in the present day remains of the poor Indian but the unnoticed bones of his ancestors, it seems inexplicable how it should happen that, even where their race barely lingers in existence, it should still continue to wither, droop, and vanish before us like grass on the progress of the forest in flames. "*The red men,*" lately exclaimed a celebrated Maimi Cacique, "*are melting like snow before the sun.*"

Whenever and wherever the two races come into contact with each other, it is sure to prove fatal to the red man. However bravely for a short time he may resist our bayonets and our fire-arms, sooner or later he is called upon by death to submit to his decree—If we stretch forth the hand of friendship, the liquid fire it offers him to drink proves still more destructive than our wrath—And, lastly, if we attempt to Christianize the Indians, and for that sacred object congregate them in villages of substantial log-houses, lovely and beautiful as such a theory appears, it is an undeniable fact, to which unhesitatingly I add my humble testimony, that, as soon as the hunting season commences, the men (from warm clothes and warm housing having lost their hardihood) perish or rather rot in numbers by consumption; while, as regards their women, it is impossible for any accurate observer to refrain from remarking that civilization, in spite of the pure, honest, and unremitting zeal of our missionaries, by some accursed process has blanched their babies' faces,—in short, our philanthropy, like our friendship, has failed in its professions. Producing deaths by consumption, it has more than decimated its followers; and under the pretence of eradicating from the female heart the errors of a Pagan's breed, it has implanted in their stead the germs of Christian guilt!

What is the reason of all this—Why the simple virtues of the red aborigines of America should, under all circumstances, fade before the vices and cruelty of the old world, is a problem which no one among us is competent to solve; the dispensation is as mysterious as its object is inscrutable. I have merely mentioned the facts, because I feel that before the subject of the Indians in Upper Canada can be fairly considered, it is necessary to refute the idea, which so

generally exists in England, about the success which has attended the Christianizing and civilizing of the Indians; whereas I firmly believe every person of sound mind in this country who is disinterested in their conversion, and who is acquainted with the Indian character, will agree :—

1st. That an attempt to make farmers of the red man has been, generally speaking, a complete failure.

2d. That congregating them for the purpose of civilization has implanted many more vices than it has eradicated; and, consequently,

3d. That the greatest kindness we can perform towards these intelligent, simple-minded people, is to remove and fortify them as much as possible from all communication with the whites.

Having concluded the few preparatory observations I was desirous to make, I will now proceed to state what negotiations I have already entered into with the Indians, and what is my humble opinion of the course we should adopt as regards their presents and the expenses of the Indian department.

At the Great Manitoulin Island in Lake Huron, where I found about 1,500 Indians, of various tribes, assembled for their presents, the Chippewas and the Ottawas, at a great council held expressly for the purpose, formally made over to me 23,000 islands. The Saugeen Indians also voluntarily surrendered to me a million and a half acres of the very richest land in Upper Canada. (For the details attending these surrenders, see my despatch to your Lordship, No. 70.)

On proceeding to Amherstburg, I assembled the Hurons, who occupy in that neighbourhood a hunting ground of rich land of six miles square; two-thirds of which they surrendered to me, on condition that one of the said two-

thirds should be sold, and the proceeds thereof invested for their benefit.

The Moravian Indians, with whom I had also an interview, have likewise agreed, for an annuity of 150*l.*, to surrender to me about six miles square of black rich land, situated on the banks of the Thames river.

I need hardly observe, that I have thus obtained for Her Majesty's Government from the Indians an immense portion of most valuable land, which will undoubtedly produce, at no remote period, more than sufficient to defray the whole of the expenses of the Indians and Indian department in this province.

On the other hand, as regards *their* interests, my despatch, No. 70, will explain the arguments I used in advising them to retire, or fall back upon the Manitoulin, and other islands in Lake Huron; the locality being admirably adapted for supporting them, but not for white men. Still it may appear that the arrangement was not advantageous to the Indians, because it was of such benefit to us; but it must always be kept in mind, that however useful rich land may be to *us*, yet its only value to an Indian consists in the game it contains; he is, in fact, lord of the manor, but it is against his nature to cultivate the soil—he has neither right nor power to sell it. As soon therefore, as his game is frightened away, or its influx of immigration cut off by the surrounding settlements of the whites, his land, however rich it may be, becomes a "rudis indigestaque moles," of little value or importance; and in this state much of the Indian property in Upper Canada at present exists.

For instance, I found 16 or 18 families of Moravian Indians living on a vast tract of rich land, yet, from absence of game, almost destitute of everything; several of the

men drunk; nearly all their children half-castes; the high road through their territory almost impassable; the white population execrating their indolence, and entreating to be relieved from the stagnation of a block of rich land, which separated them from their markets as completely as if it had been a desert.

The above picture (which is a very common one) will, I think, sufficiently show, that however desirous one may be to protect the Indians, and I hope no one feels for them more deeply than myself, yet, practically speaking, that the greatest kindness we can do them is to induce them, as I have done, to retreat before what they may justly term the accursed progress of civilization; for, as I have stated, the instant they are surrounded by the white population, "*the age of their chivalry has fled.*"

The lieutenant-governor of the province may protect them from open violence, but neither he, nor any other authority on earth, can prevent the combination of petty vices, which, as I have already explained, are as fatal in their operation as the bayonet itself.

It is impossible to teach the Indian to beware of the white man, for it seems to be the instinct of his untutored nature to look upon him as his friend; in short, his simplicity is his ruin, and though he can entrap and conquer every wild beast in his forest, yet invariably he becomes himself the prey of his white brother!

For the foregoing reasons, I am decidedly of opinion that Her Majesty's Government should continue to advise the few remaining Indians who are lingering in Upper Canada to retire upon the Manitoulin and other islands in Lake Huron, or elsewhere, towards the north-west.*

* This measure was strongly recommended by Sir John Colborne to Her Majesty's Government.

Your Lordship has informed me, that the Committee of the House of Commons on Military Expenditure in the Colonies are of opinion, "that the Indian department may be greatly reduced, if not altogether abolished; and they, therefore, call the attention of the House to the same, and also to the expense of articles annually distributed to the Indians, and whether any arrangement may not be made to dispense with such distributions in future, or to commute the presents for money."

As it is your Lordship's desire that I should afford you as much information as possible on the above suggestions, I will now respectfully endeavour to do so.

The presents which the British Government has been in the habit of granting to the Indians in Upper Canada have been delivered to two classes, termed the "resident" and the "visiting," whose numbers this year were as follow:—

Number of Indians resident in Upper Canada	6,507
Average number of Indians who, in order to receive presents from the British Government, annually visit Upper Canada from the United States	3,270
Total average annual cost of presents issued as above	£8,500

It certainly appears to me very desirable indeed that we should, if possible, discontinue the practice of giving presents to that portion of the visiting Indians who reside in the territory of the neighbouring states; but what is desirable is not always just, and it is therefore necessary before the project be carried into effect, that we should consider what arguments exist for as well as against it.

In its favour it may be stated,

1st. That we should save an annual expend..ure of say 4,000*l.*

2d. That, according to common laws among nations, there appears to be no reason why, having lost all dominion over and interest in the United States, we should continue to make annual payments to any portion of its inhabitants.

3d. That it amounts almost to an act of hostility for the British Government to continue to give guns, powder, and ball, to the Indians of the United States, with whom that people are at this moment engaged in civil war.

4th. That a considerable portion of the presents which we give to the Indians, are shortly after their delivery to be seen displayed by the shopkeepers of the United States, who often obtain them almost for nothing.

In reply to the first objection, namely, " that by withholding the presents we should save an annual expenditure of 4,000*l.*, it may be stated, that of all the money which has been ever expended by the British Government, there is perhaps no sum which ought to be less regretted than that which we have hitherto bestowed on the aborigines of America. It has purchased for us the blessing of their race; they love us, they have shed their blood for us; they would do so again; they look upon us as the only just and merciful inhabitants of the old world, and impressed with these feelings, their attachment to our Sovereign amounts almost to veneration. " *When we see the sun rise in the east,*" said a warrior to me at the Great Council at the Manitoulin Island, " *it is our custom to say to our young men, there is our Great Father, he warms us, he clothes us, he gives us all we desire.*"

There can be no doubt that up to the present page in the history of the British empire we have acted well towards the Indians. What that reflection may intrinsically be worth

it is not so easy to determine, as every man will perhaps estimate it differently; however, its moral value, whatever it may be, should be deducted from the expense of which we complain, for we cannot enjoy both advantages; if we save the latter, we must lose the former.

In reply to the second objection, namely, "that according to common laws among nations there appears to be no reason why, having lost all dominion over and interest in the United States, we should continue to make annual payments to any portion of its inhabitants;" it must be recollected that, in our wars with the Americans, we gladly availed ourselves of the services of the Indians, whom invariably we promised we would never desert. In these promises we made no restriction whatever as to domicile; when the tribes joined us, we never waited to ask whence they came; at the close of the war, when their surviving warriors left us, we never prescribed to them where they should go.

It will be asked, in what way were these our promises made? It is difficult to reply to this question, as it involves the character of the Indian race.

An Indian's word, when it is formally pledged, is one of the strongest moral securities on earth; like the rainbow it beams unbroken, when all beneath is threatened with annihilation.

The most solemn form in which an Indian pledges his word, is by the delivery of a wampum belt of shells, and when the purport of this symbol is once declared, it is remembered and handed down from father to son, with an accuracy and retention of meaning, which is quite extraordinary.

Whenever the belt is produced, every minute circumstance which attended its delivery seems instantly to be

brought to life, and such is the singular effect produced on the Indian's mind by this talisman, that it is common for him, whom we term "the savage," to shed tears at the sight of a wampum which has accompanied a message from his friend.

I have mentioned these facts, because they will explain the confident reliance the Indians place on the promises which, accompanied by the delivery of wampums, were made to them by our generals during and at the conclusion of the American wars.

These rude ceremonies had probably little effect upon our officers, but they sunk deep in the minds of the Indians; the wampums thus given have been preserved, and are now entrusted to the keeping of the great orator, Sigonah, who was present at the council I attended on the Manitoulin Island, in Lake Huron, and, in every sense, these hieroglyphics are moral affidavits of the bygone transactions to which they relate. On our part, little or nothing documentary exists; the promises which were made, whatever they might have been, were almost invariably verbal—those who expressed them are now mouldering in their graves. However, the regular delivery of the presents proves and corroborates the testimony of the wampums, and, by whatever sophistry we might deceive ourselves, we could never succeed in explaining to the Indians of the United States that their Great Father was justified in deserting them.

To the third and fourth objections I have nothing to reply; for I must say I think the Americans have reason for the jealousy they express at the British Government interfering, by positively arming their own Indians, with whom they are at war, with English guns, powder, and ball; I also

cannot deny that a great proportion of the presents we give to the American Indians form a tribute which we annually pay to the shopkeepers of the United States.

Having endeavoured as fairly as possible to explain the arguments on both sides, I now beg leave to state that, after having given the subject considerable reflection, I am of opinion, that to the visiting Indians of the United States we cannot, without a breach of faith, directly refuse to continue the presents, which by the word of our generals we have promised, and which by long custom we have sanctioned; but observing that the minds of these people were wide open to reasonable conviction, it occurred to me that it would not be difficult to explain to them that their Great Father was still willing to continue presents to such of his red children as lived in his own land, but that in justice to the Americans, who are now our allies, he could not arm against them those Indians who could continue to reside in the territory of the United States; and consequently that, after the expiration of three years, presents would be given only to those of our red children who actually shall inhabit the Canadas.

I did not formally make this declaration at the Great Council at the Manitoulin Island, but it was sufficiently hinted to them to be clearly understood, and as far as I could learn, and have since learned, it was received without disapprobation.

I would therefore recommend that this declaration should be formally announced at the next delivery of presents. The Indians in the United States would thus have plenty of time to prepare for the change, which I feel quite confident would end by our being released honourably and altogether from an engagement which I certainly think we have maintained long enough, to reward liberally the United

States Indians for the services they rendered us during the war; indeed there can be no doubt that we have treated their warriors infinitely better than we have behaved to our own veterans, who, blind, wounded, mutilated, helpless, and miserable, are at this moment wandering in the great bush or wilderness of Canada, regretting the hour that they ever improvidently commuted with the British Government their hard-earned pensions.

I do not think the Indians of the United States could or would complain of the above arrangement, and I feel certain that though a few would at first immigrate to Canada, they would not long remain there.

For many reasons, which it would be tedious to your Lordship that I should detail, I would recommend that the presents to the visiting Indians should for the three years be delivered at the Manitoulin Island only.

The expense of forwarding the presents to that spot, though less than to the old place of delivery, (Drummond Island,) is greater than at Penetanguishene and Amherstburg; but as only those who are really in want of their presents would come to Manitoulin, we should gain, as indeed we did gain this year, by that arrangement infinitely more than the difference of expense of transport.

In a memorandum I received on the 16th July last from Mr. Commissary General Routh, many of whose suggestions I have effected, that gentleman, not anticipating the recommendation I have now made for the ultimate discontinuance of presents to the American Indians, proposed to diminish their expense by substituting strouds instead of cloth, and by withholding powder, ball, and shot.

Every person with whom I have consulted is of opinion that the latter privation would be most severely felt by the Indian hunter who lives by his gun; however, I feel con-

fident that Mr. Routh himself will agree with me in opinion, that if the presents to all Indians residing in the United States are, as I propose to be, totally discontinued at so early a period as the expiration of three years, it would be unnecessary, unadvisable, and ungenerous, to make any deduction from the pittance or gratuity which is so shortly to be withheld.

Your Lordship is aware that considerable expenses for building, &c., were incurred at the Manitoulin Island this year; but the arrangement was made by Sir John Colborne before I arrived here, and it was too late for me to alter it; however, as soon as I got there, I put a stop to all that was doing, and discharged every person who had been engaged.

Having disposed of at least one-third part of the Indian presents, and the expense of their delivery, I certainly respectfully recommend that we should continue to deliver them to those few Indians who continue to inhabit Upper Canada.

I have already stated that this expense will shortly be defrayed altogether by the sale of the lands they have this year liberally surrendered to me; and even if that were not to be the case, I do think that, enjoying as we do, possession of this noble province, it is our bounden duty to consider as heir-looms the wreck of that simple-minded, ill-fated race, which, as I have already stated, is daily and yearly fading before the progress of civilization.

We have only to bear patiently with them for a short time, and with a few exceptions, principally half castes, their unhappy race, beyond our power of redemption, will be extinct.

I am not prepared to recommend that money should at

present be substituted for presents to the resident Indians in this province.

1st. Because I think, unless good arrangements were previously made, the Indians, from their improvident habits, would in many places be left destitute ; and,

2ndly. Without due precaution, a money delivery to so many men, women and children, might possibly be attended by very great impositions.

Another year's experience and reflection will, I make no doubt, enable me to offer to your Lordship a decided opinion on this subject, as I am quite alive to the advantage which we should gain by the substitution of money, if it could be properly effected.

In the expenses of the Indian department, which at present amount to 1,610*l.* 17*s.* 10*d.* per annum, I am of opinion that a reduction might at once be made to the following extent, (subject to moderate pensions, the greater part of which might be in grants out of land which has lately been ceded to me by the Indians) :—

Three superintendents at 206*l.* 14*s.* 4*d.*—640*l.* 3*s.*

One interpreter at 62*l.*—62*l.*

I also think that a considerable reduction might be made in the contingencies, which at present amount to 2,000*l.*

With respect to the pensions, which amount to 462*l.*, I conceive that as they have already been sanctioned, they could not in justice be repealed.

In conclusion I now beg leave to refer to my despatch No. 31, respecting the age and services of Colonel Givins. I conscientiously concur with Sir John Colborne and Sir P. Maitland in recommending that, in the evening of his long and well-spent life, this officer may not be neglected by Her Majesty's Government, to whose service he has

been more than half a century unremittingly and devotedly attached.

His name is so identified with the Indian history of this country, that I earnestly hope he may be allowed to retire on his full pay; he has a large family, and his advanced age must prevent his long receiving the remuneration so strongly recommended by Sir J. Colbourne, by Sir P. Maitland, and by myself.

To replace Colonel Givins, who would continue to assist as an interpreter, I have already recommended, in my despatch No. 31, the appointment of Mr. Hepburn, who last year has without salary been performing the duties of Chief Superintendent.

I am decidedly of opinion that at the expiration of three years a still further reduction may be made in the Indian department, and that its expenses of every description will ere long be completely defrayed by the lands which I have lately obtained from the Indians.

I have the honour to be, &c.

F. B. Head.

The Lord Glenelg.

APPENDIX B.

ADDRESSES

TO SIR FRANCIS B. HEAD BART

FROM THE

LEGISLATURES OF THE BRITISH NORTH AMERICAN COLONIES,

&c. &c. &c.

ON HIS

RESIGNATION OF THE GOVERNMENT

OF

UPPER CANADA.

TORONTO:
R. STANTON, Printer to the QUEEN's Most Excellent Majesty.

1838.

MESSAGES, &c.

F. B. Head.

The Lieutenant-Governor informs the Legislative Council, that in consequence of this province being invaded and assailed by a foreign enemy, and being the scene of actual military operations, Colonel Foster, the officer in command of Her Majesty's land forces, has assumed the entire military authority and command over the troops; that he is also in command of the militia; and that the Commissary-General at Quebec has communicated to the officer in charge of the commissariat here, that consistently with the rules of the service, no expenses can be allowed unless sanctioned by the authority of the military commander, upon whom the protection of the province has thus necessarily devolved.

The Lieutenant-Governor takes this opportunity to communicate to the Legislative Council, that having had the misfortune to differ from Her Majesty's Government on one or two points of colonial policy, he felt it his duty, on the 10th of September last, respectfully to tender to Her Majesty's principal Secretary of State for the Colonies, the resignation of the important station, which, for a short time, he has had the honour to hold in this province.

His resignation having been graciously accepted, the Lieutenant-Governor has to inform the Legislative Council

that he yesterday received official information that Her Majesty has been pleased to appoint Colonel Sir George Arthur to be Lieutenant-Governor of Upper Canada, and that his Excellency may be expected to arrive here in a few days.

Under the peculiar circumstances in which the province is at present placed, the Lieutenant-Governor feels confident, that the Legislative Council will rejoice with him at the approaching arrival of an Officer of high character and considerable experience, whose rank in the army will enable him to combine the military command with the civil government of this province.

Government House,
15th Jan., 1838.

To His Excellency Sir Francis Bond Head, *Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.*

May it please Your Excellency,

We, Her Majesty's dutiful and loyal subjects, the Legislative Council of Upper Canada, in Provincial Parliament assembled, beg to return our respectful thanks to your Excellency, for communicating to us the fact, which is at this crisis particularly important, that by the regulations of Her Majesty's service the command of the troops, and of the militia employed in defence of this province, cannot be united in your Excellency's person with the administration of the civil government.

If your Excellency were to continue to represent Her Majesty in this colony, we are persuaded, that under present circumstances, such a separation of the civil power from the military command would be likely to lead to very unfortunate results, since military rank and experience, although they are by no means incompatible with the peculiar qualifications which are requisite to give confidence, animation, and effect, to the military force, are not always to be found united with them.

We beg to assure your Excellency that we learn with extreme regret, that the civil government of this province is to continue for so short a time in your Excellency's charge. It is not known to us upon what particular points your Excellency's views have differed so essentially from those of Her Majesty's Government, that your Excellency was induced to tender your resignation; but we know, that at no period in the history of Upper Canada has its political condition been such as ought to be more satisfactory to the ministers of the Crown: and we feel that not Upper Canada only, but the empire, owes to your Excellency a large debt of gratitude, for your firm and manly avowal, upon all occasions, of those sentiments which became the representative of a British monarch, and for the unwavering support which your Excellency has never failed to give to the established principles of the constitution.

It is this fearless adherence to right principles, rather than to expediency, which has enabled your Excellency to rally round the government, in a moment of danger, the arms of an united people: and to exhibit this province to our Sovereign and to the world, in a posture which must command for its brave and loyal inhabitants the highest admiration and respect.

If the result of your Excellency's firm and uncompromising policy shall impress upon Her Majesty's Government the conviction, that they need not fear to support in Upper Canada the principles of the British constitution, it will have produced an effect of infinite value to this colony; and will have supplied what we believe has been chiefly wanting to insure its permanent tranquillity.

But the Legislative Council cannot refrain from expressing the regret with which they have observed, in the case of your Excellency, and of your respected and gallant predecessor, that your connexion with the government of this colony has seemed incapable of being protracted, with satisfaction to yourselves, beyond the period when it became evident that no submission would be made by you to a spirit of factious discontent, which nothing can appease but the destruction of British rule.

We beg your Excellency to believe, that the Legislative Council will ever entertain a grateful recollection of the justice and condescension which they have always had occasion to acknowledge in their intercourse with your Excellency; and that

they participate deeply in the feeling of general regret at your Excellency's approaching departure from this province.

JOHN B. ROBINSON, *Speaker.*

Legislative Council Chamber,
17th day of Jan., 1838.

F. B. HEAD.

THE Lieutenant-Governor informs the House of Assembly, that in consequence of this province being invaded and assailed by a foreign enemy, and being the scene of actual military operations, Colonel Foster, the officer in command of Her Majesty's land forces, has assumed the entire military authority and command over the troops; that he is also in command of the militia; and that the Commissary-General at Quebec has communicated to the officer in charge of the commissariat here, that consistently with the rules of the service, no expenses can be allowed unless sanctioned by the authority of the military commander, upon whom the protection of the province has thus necessarily devolved.

The Lieutenant-Governor takes this opportunity to communicate to the House of Assembly, that having had the misfortune to differ from Her Majesty's Government, on one or two points of colonial policy, he felt it his duty, on the 10th of September last, respectfully to tender to Her Majesty's principal Secretary of State for the Colonies the resignation of the important station which, for a short time, he has had the honour to hold in this province.

His resignation having been graciously accepted, the Lieutenant-Governor has to inform the House of Assembly, that he yesterday received official information that Her Majesty has been pleased to appoint Colonel Sir George Arthur to be Lieutenant-Governor of Upper Canada, and

that his Excellency may be expected to arrive here in a few days.

Under the peculiar circumstances in which the province is at present placed, the Lieutenant-Governor feels confident, that the House of Assembly will rejoice with him at the approaching arrival of an officer of high character and considerable experience, whose rank in the army will enable him to combine he military command with the civil government of this province.

Government House,
15th Jan. 1838.

To His Excellency Sir F. B. Head, *Bt.*, &c. &c. &c.

May it please Your Excellency,

We, Her Majesty's dutiful and loyal subjects, the Commons House of Assembly, in Provincial Parliament assembled, humbly thank your Excellency for your Excellency's message of the 15th instant, communicating to this House, that " in consequence of this province being invaded and assailed by a foreign enemy, and being the scene of actual military operations, Colonel Foster, the officer in command of Her Majesty's and forces, has assumed the entire military authority and command over the troops ; that he is also in command of the militia ; and that the Commissary-General at Quebec has communicated to the officer in charge of the commissariat here, that consistently with the rules of the service, no expenses can be allowed unless sanctioned by the authority of the military commander, upon whom the protection of the province has thus necessarily devolved.

In reference to this subject, we can only express our earnest hope that this regulation, which the rules of the service appear to have rendered necessary, may in no respect impair the efficiency of the operations hitherto planned and directed by your Excellency, with so much success for the preservation and defence of the province against the attack of foreign and domestic enemies.

We are further informed by your Excellency, that having had the misfortune to differ from Her Majesty's Government, on one or two points of colonial policy, your Excellency felt it your duty, on the 10th of September last, respectfully to tender to Her Majesty's principal Secretary of State for the Colonies the resignation of the important station which, for a short time, your Excellency has had the honour to hold in this province, and that your Excellency's resignation had been graciously accepted.—When this House recalls to recollection the events of your Excellency's administration of the affairs of this province—the universal respect and confidence with which you are regarded, arising from your Excellency's firm and uncompromising adherence to the principles of the constitution, and which has afforded to the inhabitants of this colony various opportunities of proving, not by words merely, but by acts the most convincing and undeniable, their firm unshaken loyalty to their Sovereign, and their desire to maintain their connexion with the parent state, in contradiction to assertions and insinuations of a contrary tendency, we cannot but view with alarm the disclosure now made, that your Excellency has felt yourself called upon to resign the administration of the government on the grounds stated in your Excellency's Message.

If your Excellency's measures and policy have not given satisfaction to our gracious Queen, we are driven to inquire, in the most humble and respectful, but solemn manner, what course of policy it is that is expected by Her Majesty from Her Majesty's representative in this province? Deeply impressed with the duty of submission to the constitutional exercise of the royal prerogative, we do not question the right of the Sovereign to select Her representatives in this or any other colony of the empire ; but we nevertheless feel ourselves impelled by a sense of duty, suggested by a desire to maintain our allegiance (and which, on our part, can never be laid aside or forgotten), humbly, but earnestly and emphatically to declare, that if anything be calculated to shake the attachment of Her Majesty's now truly loyal and devoted subjects to Her royal person and government, it is by acts of injustice, or the manifestation of ungenerous distrust towards servants, who have served the British nation so faithfully and nobly as your Excellency has done. It will be the duty of this House, before the close of the

present session, and when more fully informed of facts, to express more at large the feelings and opinions they entertain on this painfully interesting and important subject.

In the mean time, we beg to assure your Excellency, that this House, and the people of the province, will regard your Excellency's relinquishment of its government as a calamity of the most serious nature, and which may result in difficulties and dissensions that cannot be easily repaired or reconciled. We however are fully persuaded, that the blame cannot rest with your Excellency ; and while we sincerely and most willingly acknowledge the zeal, ability, justice and honourable disinterestedness, with which you have conducted the government of this province during your short but eventful and arduous administration of its affairs, we beg respectfully and affectionately to express, on behalf of this province, our earnest hope, that your Excellency's prosperity in future life may be commensurate with the claims, deep and lasting as they are, upon our gratitude—the approbation of our gracious Queen—and the applause and acknowledgment of the British nation.

H. Ruttan, *Speaker.*

Commons House of Assembly,
16th day of Jan. 1838.

To His Excellency Sir F. B. Head, *Bt.*, &c. &c. &c.

May it please Your Excellency,

We, Her Majesty's dutiful and loyal subjects, the Legislative Council of Upper Canada, in Provincial Parliament assembled, humbly pray that your Excellency will be pleased to transmit to this House copies of so much of your Excellency's correspondence with the Right Honourable the Secretary of State for the Colonies, as relates to your Excellency's resignation of the government of this province, embracing the matter of policy upon which your Excellency had the misfortune to differ from Her Majesty's Government, so far as the same may, in your Excellency's opinion, be with propriety communicated.

John B. Robinson, *Speaker.*

Legislative Council Chamber,
19th day of Jan., 1838.

His Excellency's Reply.

HONOURABLE GENTLEMEN,

IT would afford me the greatest satisfaction to transmit to the Legislative Council, according to its request, so much of my correspondence with the Right Honourable the Secretary of State for the Colonies, as relates to my resignation of the government of this province; but, after deliberate consideration, I have come to the conclusion, that the publication of these documents might, under existing circumstances, embarrass my successor, and might be considered as a violation of official confidence.

So long as I remain in the service of Her Majesty's Government, I do not consider myself justified in defending my own conduct, by any vindication that may embarrass their policy.

Government House, 22d Jan., 1838.

To His Excellency SIR F. B. HEAD, *Bt.*, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY,

WE, Her Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly request that your Excellency will be pleased to lay before this House the correspondence between Her Majesty's Government and your Excellency, which induced your Excellency to tender your resignation of the government of this province; and also any subsequent correspondence between Her Majesty's Government and your Excellency, on the same subject.

H. RUTTAN, *Speaker.*

Commons House of Assembly,
18th Jan., 1838.

His Excellency's Reply.

GENTLEMEN,

NOTHING, at this moment, would be so gratifying to my feelings as to lay before the House of Assembly the

correspondence between Her Majesty's Government and myself, which induced me to tender my resignation of the government of this province; but, after deliberate consideration, I have come to the conclusion, that the publication of these documents might, under existing circumstances, embarrass my successor, and might be considered as a violation of official confidence.

So long as I remain in the service of Her Majesty's Government, I do not consider myself justified in defending my own conduct, by any vindication that may embarrass their policy.

Government House, 22d Jan., 1838.

F. B. HEAD.

HIS Excellency, the Lieutenant-Governor, has much pleasure in transmitting to the Legislative Council a highly gratifying communication from his Excellency the Lieutenant-Governor of New Brunswick, accompanying a unanimous joint vote of thanks from the two Houses of the Legislature of that province to the militia of Upper Canada, for their gallant conduct, in so ably, promptly, and energetically suppressing the late rebellion in this province.

Government House, Jan. 22d, 1838.

(A similar Message to the House of Assembly.)

Government House, Fredericton, New Brunswick, Jan. 6th, 1838.

SIR,

WITH the highest satisfaction I comply with the wishes of the Legislative Council and House of Assembly of this province, by transmitting to your Excellency Resolutions jointly concurred in by these bodies, tendering to your Excellency, and to the gallant militia of Upper Canada, the unanimous thanks of the Legislature, and of the people of New Brunswick, for the

able, prompt, and energetic suppression by them, and by your Excellency, unaided by any portion of Her Majesty's troops, of the late insurrection in the neighbourhood of Toronto.

In doing this, I beg to add the expression of my warmes concurrence in the sentiments embodied in those resolutions, with the assurance that, while we feel the most entire confidence in the ability of Her Majesty's loyal subjects of Upper Canada, under your Excellency's guidance, to put down rebellion wherever it may show itself, yet we cannot but regret that our remote position with respect to that province prevents our offering our more active co-operation.

I have, &c.

(Signed) J. Harvey,
M. General, Lieutenant-Governor.

His Excellency Sir F. B. Head, Bt.,
&c. &c. &c.

New Brunswick, House of Assembly, Jan. 5th, 1838.

Resolved unanimously—That the thanks of this province are due, and should be presented to Sir Francis Bond Head, and the gallant militia of Upper Canada, for their able, prompt, and energetic suppression of the insurrection which lately took place in the neighbourhood of Toronto.

Resolved unanimously—That the conduct of our fellow-subjects in Upper Canada, on this memorable occasion, so fully in accordance with their former high spirit and character, affords a glorious example to the sister colonies; and cannot fail to quicken the zeal and animate the exertions of every loyal heart in these colonies, in support and defence of the liberties they enjoy under British laws and institutions.

Resolved unanimously—That our fellow-subjects in Upper Canada may rest assured of the lively sympathy of the inhabitants of this province, in their loyalty and patriotic ardour, and of our most zealous co-operation in maintaining the royal authorities, and the inestimable advantages of our connexion with the mother-country.

(Signed) Charles P. Wetmore,
Clerk of Assembly.

New Brunswick, House of Assembly, Jan. 5th, 1838.

Resolved unanimously—That an humble Address be presented to his Excellency the Lieutenant-Governor, praying that his Excellency will be pleased to transmit these Resolutions to his Excellency, Sir Francis Bond Head, Lieutenant-Governor of Upper Canada.

Resolved—That the Legislative Council be requested to join in these Resolutions.

(Signed) CHARLES P. WETMORE,
Clerk of Assembly.

New Brunswick, Legislative Council Chamber, Jan. 5th, 1838.

Resolved unanimously—That this House doth most heartily concur in the Resolutions of the House of Assembly, on the subject of the insurrection in Upper Canada.

(Signed) WM. TYNG PETERS, *Clerk.*

Government House, Halifax, 6th Feb., 1838.

SIR,

AT the request of the Legislative Council of this province, I have the pleasure to transmit to your Excellency the enclosed resolutions of that honourable body, expressing their high admiration of the energetic measures adopted by your Excellency to suppress the recent rebellious outbreak in Upper Canada, and offering their thanks to Colonel Allan Napier MacNab, and the militia under his command, for their gallant conduct on that occasion.

I have the honour to be, Sir,
Your Excellency's most obedient,
Humble servant,
C. CAMPBELL.

His Excellency Sir F. B. Head, Bt.,
&c. &c. &c.

Legislative Council Chamber, 29th Jan., 1838.

ON motion of Mr. Stewart, seconded by Mr. Ousely:—

Resolved unanimously—That while the members of this House view with the deepest regret the existence of rebellion in the provinces of Lower and Upper Canada, they cannot refrain

from expressing the gratification they have derived from those warm and animating displays of universal loyalty and attachment to the British constitution and government, to which it has given occasion throughout the British North American Colonies.

Resolved unanimously—That the grateful acknowledgments of this House ought to be immediately conveyed to his Excellency Sir Francis Bond Head, the Lieutenant-Governor of Upper Canada, for the penetration with which he discovered, and the firm, prompt, and energetic manner in which he baffled and defeated, the mad designs of traitorous men to rob and murder those who prefer the blessings of the British government to republican institutions; but more especially for the noble-minded reliance upon the courage and loyalty of the people alone, by which he was enabled to render most important aid towards the suppression of the unnatural rebellion in Lower Canada.

Resolved unanimously—That the thanks of this House are also due to Colonel Allan Napier MacNab, and the loyal militia of Upper Canada, for their gallant conduct in crushing in its infancy this rebellious attempt, and in exhibiting a noble example of the spirit with which Her Majesty's North American subjects are determined to preserve their connexion with their mother-country, and to put down all endeavours to weaken or destroy it.

Resolved unanimously—That this House view, with astonishment and regret, the support and assistance which, in a time of profound peace and amity between the two governments, have been afforded to the expatriated rebels by many citizens of the American Union; and this House trusts, that the efforts of the general government of the United States will not be remitted until such of its citizens as have been guilty of so unjustifiable a violation of the existing treaty and the law of nations shall be punished with that severity which they deserve.

Resolved unanimously—That while this House recognise in the British soldier that devotion to his sovereign and country which has led to the effectual suppression of the rebellion in Lower Canada, and also to a long and dreary march at this inclement season, they cannot but rejoice that the absence of the troops from the Upper Province has afforded gratifying and irresistible evidence of the deep-rooted attachment of the people to the British constitution.

Resolved unanimously—That an humble address be presented

to his Excellency the Lieutenant-Governor, praying that he will be pleased to transmit these resolutions to his Excellency Sir Francis Bond Head, the Lieutenant-Governor of Upper Canada.

JOHN C. HALLIBURTON, *Clerk.*

Legislative Council Chamber, 31st Jan., 1838.

Resolved—That Mr. Stewart, Mr. Smith, and Mr. Ratchford do wait upon his Excellency the Lieutenant-Governor, and present to him the address and resolutions agreed to on the 29th of this present month of January.

JOHN C. HALLIBURTON, *Clerk.*

To His Excellency SIR F. B. HEAD, *Bt.*, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY,

WE the undersigned, on behalf of the Executive Committee of the Constitutional Association of Quebec, having been informed that your Excellency is about to retire from the government of Upper Canada, feel ourselves impelled, as well by a sense of justice to your Excellency's person as by a sense of duty to our beloved Queen, to express our deep regret at your Excellency's intended departure; and although circumstances have placed your Excellency beyond our reach for the more intimate and private relations of life, yet upon public grounds we feel ourselves called upon to acquaint your Excellency that we deeply deplore the causes which have led your Excellency to resign the high and important station you have held in our sister province, the duties of which you have so ably and so faithfully discharged.

The passing events in Upper Canada could not but be regarded by us as of the most vital importance to this province, and entertaining this view, we have watched with the utmost anxiety your Excellency's administration. We have followed you through your prosperous career, and particularly during the eventful period of the late rebellion, as whilst recording as we now do, by this Address, our admiration of your public conduct, we venture to express the hope that Her Majesty's Ministers will at length be convinced that the principles of the British constitution alone are applicable to the good government of these provinces.

At a time when constitutional government has led to such happy results from the exercise of a sound discretion, accompanied by a dignified and uncompromising course of policy, which has conspicuously marked your Excellency's administration in Upper Canada, we are irresistibly led to attribute the present deplorable condition of the British and Irish inhabitants of this province to a weak and vacillating policy, so directly opposite to that pursued by your Excellency.

We, therefore, deeply sympathise with the inhabitants of our sister province on the loss they will so universally feel on the occasion of your Excellency's departure.

In respectfully offering our sincere wishes for your Excellency's future happiness, and that of Lady Head and family, we feel that we speak the sentiments of the whole body of Constitutionalists in this district, in expressing the hope, nay the conviction, that your valuable talents will ever be enlisted in behalf of these provinces, and that the important services you have already rendered to Upper Canada, and the empire at large, will receive that well merited reward—the approbation of our most gracious and beloved Queen.

(Signed) A. Stuart, *Chairman.*
W. Briston, *Secretary.*

Province of Lower Canada,
Quebec, 24th Feb., 1838.

Montreal, 13th March, 1838.

Sir,

A large and respectable meeting of citizens, who long to testify their grateful admiration of the talent, firmness, and integrity which have uniformly distinguished your brief but eventful administration of the government of Upper Canada, has deputed us to inquire, whether you will so far gratify and honour them as to accept of a public dinner during your anticipated presence in Montreal.

We have the honour to be,
With the highest consideration and respect, Sir,
Your most obedient and faithful servants,

(Signed) Peter M'Gill,
John Molson,
Adam Thom.

To Sir F. B. Head, Bt.,
&c. &c.

Toronto, March 19 1838.

GENTLEMEN,

It has afforded me unexpected gratification to learn from your letter of the 13th instant, which I have this moment received, that a large and respectable body of the citizens of Montreal have done me the honour to invite me to a public dinner during my presence in Montreal.

I beg you will be so good as to offer to the gentlemen who have evinced such a desire my sincere thanks for this flattering testimony of their good opinion, which I can truly assure them I most sensibly appreciate; at the same time I request they will do me the additional favour of permitting me to express a desire not to avail myself of their obliging invitation to a public dinner.

On retiring from this government I shall, to the utmost of my ability, continue to render to the Canadas every assistance in my power; but I trust, on reflection, you will agree with me in the opinion that, on my journey to England, I should in no place do anything that can tend directly or indirectly to agitate a discussion of any of those questions in which the people of the Canadas, as well as myself, feel so deeply interested.

I have the honour to be,
Gentlemen,
Your most obedient humble servant
(Signed) F. B. HEAD.

The Hon. Peter M'Gill.
John Molson, Esq.
Adam Thom, Esq.

Quebec, 22d March, 1838.

SIR,

The citizens of Quebec, being desirous of marking their sense of your Excellency's character and services during the

eventful period of your government of Upper Canada, have, at a public meeting, convened at the Exchange on Wednesday the 21st instant, resolved that a public entertainment should be given for that object in this city, and that your Excellency should be invited thereto, should it be your intention to visit Quebec prior to your return to England.

In carrying this resolution into effect, the undersigned committee have now the honour of requesting your Excellency to accept a public dinner on the part of the citizens of Quebec, on any day which may suit your Excellency's convenience after your arrival in this city.

A duplicate of this letter has been forwarded to Kingston addressed to your Excellency.

We have the honour to be
Your Excellency's most obedient humble servants,
(Signed) Chas. F. Aylwin,
T. N. Stayner,
J. Charlton Fisher, LL.D.

His Excellency Sir F. B. Head, Bt.,
&c. &c. &c.
Montreal.

To His Excellency Sir F. B. Head, *Bt.*, &c. &c. &c.

May it please Your Excellency,

We, her Majesty's dutiful and loyal subjects, the officers, non-commissioned officers, and privates of the five battalions of Montreal Loyal Volunteers, cannot allow your Excellency to depart from your government of the province of Upper Canada without expressing to you our high admiration of your Excellency's upright, uncompromising, and constitutional administration of the duties of your exalted and important office.

In presuming to address your Excellency as volunteer soldiers, we feel assured, by the noble example which has been so lately exhibited to us by your Excellency, that our sentiments will, in your bosom, meet a sympathetic feeling of ardent loyalty to our beloved Queen, and of undeviating adherence to the glorious institutions of our father-land, of which it was unquestionably designed that we should have the happiness, in this remote corner of the British empire, to enjoy the ample blessings.

In your Excellency's administration of the affairs of Upper Canada, as well as in that of your gallant predecessor, our esteemed Commander-in-chief, we joyfully recognise that rejection of hollow expediency, and that adherence to pure and sterling principle, which at once check the aspirings of restless and destructive innovation, and give high and expanding hope and energy to the supporters of institutions based upon true patrotism, and cemented by the wisdom and experience of ages.

We beg to express our undoubting confidence in your Excellency's desire to impress upon the councils of our most gracious Sovereign the importance of seizing upon the present opportunity, so happily afforded, of making this province what it always should have been, a British colony; and to convey to our beloved Queen our earnest desire to be emancipated from the dominion of a race which has proved itself the enemy of British settlement in this province, of British improvement, of British laws and institutions, and of British connexion.

We beg to convey to your Excellency the expression of our sincere regret at your relinquishment of the government of Upper Canada at a crisis so important to the best interests of that noble province, and of our heartfelt wishes for your happiness, and for that honour and promotion at the hands of our most gracious Sovereign which your Excellency's patriotism so eminently deserves.

Montreal, 12th February, 1838.

At a Public Meeting, very numerously attended, held at the News-room in the City of Saint John, on Thursday, the 22d Day of March, 1838, his worship the Mayor in the Chair,—

On motion of Mr. Peutelow:—

Resolved unanimously—That this meeting has a high sense of the inestimable advantages which have accrued to the Canadas and the other British American possessions by the administration of Sir Francis Bond Head, Bart., late Lieutenant-Governor of Upper Canada—

Resolved unanimously—That, entertaining a lively hope that Sir Francis Bond Head may pass through this city on his return to England, this meeting deems it an indispensable duty that some distinguished tribute of respect be paid to him by the loyal

inhabitants of Saint John, and that therefore he be invited to a public dinner to be given him on that occasion.

Resolved—That a committee of management be appointed to prepare the same, and obtain subscriptions.

On motion of the Hon. Judge Parker:—

Resolved unanimously—That his Excellency, Sir John Harvey, our highly-respected Lieutenant-Governor, be invited as a guest on the occasion.

Resolved unanimously—That the Hon. Colonel MacNab, Speaker of the House of Assembly of Upper Canada, be also invited as a guest, in the event of his being in this province on his way to England.

Resolved—That his Worship the Mayor, H. B. Smith, Esq., collector of her Majesty's customs, and William H. Street, Esq., be a committee to proceed to Fredericton for the purpose of conveying the aforesaid resolutions to Sir Francis Bond Head, his Excellency Sir John Harvey, and Colonel MacNab.

(Signed) Robert J. Headham, *Chairman.*

At a Public Meeting of the Magistrates, Merchants, and principal Inhabitants of the County of Gloucester, held at the Court-house, in Bathurst, New Brunswick, on Monday, the 2nd day of April, 1838, William End, Member of the House of Assembly, called to the Chair:—

It was resolved unanimously—That the province of New Brunswick should cordially unite in those sentiments of admiration and respect which have been so enthusiastically expressed by the loyal people of Upper Canada towards Sir Francis Bond Head, their late Lieutenant-Governor.

Resolved unanimously—That to support and strengthen the power and influence of the Government in these colonies should be the paramount duty of every man who appreciates the importance of British connexion, and desires to be protected by British laws; and that the political opinions of Sir Francis Bond Head, expressed during his residence in Upper Canada, are warmly responded to by the loyal people of this province, and regarded as a code, happily conducive to the honour and dignity of the Crown, as well as the safety and welfare of the people.

Resolved unanimously—That the unshaken fidelity with which

the constitutional rights of the Crown and the subject were maintained by Sir Francis Bond Head during his administration of the government of Upper Canada; his sagacity in detecting and disappointing the specious designs of pretended patriots; his firmness in overturning the less dangerous attempts of open rebellion, and the confidence with which, on two memorable occasions, he intrusted the best interests of the colony to the good sense of its freeholders and the gallantry of its militia, justly entitle him to the everlasting gratitude of her Majesty's faithful subjects in every part of British America.

Resolved unanimously—That, while the removal of Sir Francis Bond Head from the government of Upper Canada must be deeply lamented by those who nobly rallied round him in the day of agitation and rebellion, this meeting is not without a cheering hope that the knowledge which he has acquired of the true character of her Majesty's colonial subjects, when communicated to the Imperial Parliament, may convince the British nation that the great mass of the people of these colonies, loyal in feeling and in conscience, consider it their enviable distinction to form a part of the British empire, and turn with abhorrence from those who would make these last retreats of suffering loyalty a land of aliens from the British Crown.

Resolved unanimously—That the people of the county of Gloucester, deeming it their bounden duty to adopt the sentiments of the aforegoing resolutions, are desirous of publicly declaring their feelings towards Sir Francis Bond Head and the loyalists of Upper Canada; and that these resolutions be signed by the chairman, and transmitted by him to his Excellency Major-General Sir John Harvey, our esteemed Lieutenant-Governor, with an humble request that he may be pleased to communicate them to Sir Francis Bond Head.

(Signed) William End, *Chairman.*

Bathurst, New Brunswick,
April 2nd, 1838.

Besides the above, I have a small volume of addresses, which I received on my departure from the people through-

out all the districts of Upper Canada, to all of which addresses I gave the following reply, verbally explaining to the respective deputations that, feeling it to be my duty not to write anything on the subject of my retirement from the government of the province which could tend to agitate that question, I had resolved to give but *one* answer to whatever valedictory addresses I might receive.

Copy of General Answer.

GENTLEMEN,

I SINCERELY thank the inhabitants of————, for the very gratifying expressions respecting my administration of the government of this province which are contained in their Address.

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